



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG

Docket No: 2109-01
17 October 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting that his record be corrected by changing the RE-4 reenlistment code issued on 19 April 1985.

2. The Board, consisting of Mr. Adams, Mr. Pfeiffer and Mr. Morgan, reviewed Petitioner's allegations of error and injustice on 10 October 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner reenlisted in the Navy on 20 January 1983 after more than 12 years of active service on prior enlistments. The record shows that his son was born on 13 May 1981 and a daughter was born on 10 August 1983. Apparently, his wife deserted the family and left the children in his care. On 12 February 1985, he was recommended for discharge by reason of parenthood as evidenced by his unavailability for deployment, inability to perform duties assigned, and repetitive absences due to parental responsibilities. On 14 March 1985, the Bureau of Naval Personnel directed discharge and the assignment of an RE-3B or an RE-4 reenlistment code, as appropriate.

d. The performance evaluation for the period 16 August 1984 to 12 April 1985 states, in part, as follows:

.... (Petitioner) was not required to perform any professional duties during the reporting period. This was necessitated because of family difficulties which required his full time presence with legal dependents.

.... The nature of (his) difficulties make continued service in the Navy undesirable.

.... (he) created an administrative burden on this command to complete and process all the requirements regarding his discharge. Furthermore, his personal difficulties are of a long term and recurring nature. To preclude any further unnecessary administrative processing, he is not recommended for advancement, retention, or reenlistment.

Petitioner was honorably discharged on 19 April 1995. At that time, he acknowledged that he was not recommended for reenlistment and would be assigned an RE-4 reenlistment code.

e. Petitioner states in his application that his problems were beyond his control because he was stationed aboard a ship homeported in Japan and there was no one to care for his children. His children are now grown and he desires a change in his reenlistment code so that he can join the Air National Guard.

f. Regulations allow for the assignment of an RE-3B or an RE-4 reenlistment code when an individual is discharged because of parenthood. An RE-3B reenlistment code means that an individual is eligible for reenlistment except for the disqualifying factor of parenthood.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner served in an excellent manner until his wife deserted the family. Although his command was unhappy with the situation, it is clear that the parenthood problem was the primary reason for the final adverse performance evaluation. Given the circumstances, the Board concludes that no useful purpose is now served by the RE-4 reenlistment code and it should be changed to an RE-3B reenlistment code. This code will alert recruiters to verify that the parenthood problem no longer exists.

The Board further concludes that this Report of Proceedings

should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the change in the reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 19 April 1985 he was assigned an RE-3B reenlistment code vice the RE-4 reenlistment code now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

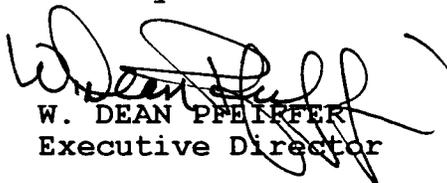
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director