



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

TRG
Docket No: 5493-01
2 November 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) DD Form 149 w/attachments
(2) Case Summary
(3) 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 her record be corrected to show a better reenlistment code than the RE-4 reenlistment code assigned on 14 October 1994.

2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalman and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 30 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 enlisted in the navy on 20 May 1991 at age 19. On 16 May 1992 she was advanced to HN (E-3). The enlisted performance record shows that from the date of her enlistment until 31 January 1994, she was assigned no marks below 3.8.

d. On 17 August 1994 Petitioner indicated that she could not comply with the provisions of the Dependent Care Certificate because there was no one to care for her nine month old daughter. On 29 September 1994 she was notified of separation processing

due to parenthood. In connection with this processing, she elected to waive her procedural rights. Subsequently, the commanding officer directed an honorable discharge. She was so discharged on 14 October 1994. At that time, she was assigned an RE-4 reenlistment code.

e. Regulations require the assignment of either an RE-3B or an RE-4 reenlistment code when an individual is discharged due to 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 the performance evaluation for the period 1 February 1994 until her discharge on 14 October 1994 is not filed in the service record. However, it is clear that her performance prior to 1 February 1994 was excellent and if there were any deficiencies in her performance and conduct, they were probably related to the need to care for her daughter. Given the circumstances, the Board concluded that no useful purpose is now served by the RE-4 reenlistment code and it should be changed to RE-3B.

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 14 October 1994 she 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.


For W. DEAN PFEIFFER
Executive Director