



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

ELP
Docket No. 2056-02
25 March 2002

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's Naval Record
(4) DD Form 214

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, applied to this Board requesting, in effect, that her reenlistment code be changed.

2. The Board, consisting of Ms. Humberd, Ms. LeBlanc, and Ms. Suiter, reviewed Petitioner's allegations of error and injustice on 20 March 2002 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. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner reenlisted in the Navy on 13 June 1997 for two years as an MSSN (E-3). At the time of her reenlistment, she had completed nearly five years of active service. In a letter of appreciation, she was cited by the commanding officer for her outstanding performance in the Food Services Division from August 1995 to February 1996. She was advanced to MS3 on 16 June 1997.

d. An evaluation report for the period 30 August to 15 December 1997 shows ratings of 4.0 (above standards) in all categories, except for the category of "quality of work" in which she received a rating of 5.0 (greatly exceeds standards). She received a "must promote" recommendation and was recommended for retention. She had no disciplinary actions during her active service.

e. Petitioner was honorably discharged on 26 February 1998 by reason of parenthood and assigned an RE-4 reenlistment code. Neither the facts and circumstances surrounding her discharge nor the DD Form 214 are on file in the record. A copy of the DD Form 214 provided by Petitioner is attached to this report.

f. Regulations authorize the assignment of an RE-3B or RE-4 reenlistment code to individuals separated by reason of parenthood. An RE-3B reenlistment code means that the separation due to was parenthood, and the individual is recommended for reenlistment except for this disqualifying factor. An RE-4 reenlistment code means an individual is ineligible to reenlist without prior approval of Commander, Navy Personnel Command.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner had no disciplinary actions in more than five years of active service, her excellent performance was specifically cited in a letter of appreciation, and she was uniformly rated "above standards." The Board could find no demonstrable reason why she was awarded the most restrictive RE-4 reenlistment code. Absent evidence to the contrary, the Board concludes that it would appropriate and just to change her reenlistment code to RE-3B to correspond with the reason for her separation.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 26 February 1998, to RE-3B.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of 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