



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

SJN
Docket No: 10180-08
24 September 2009

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

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) OPNAVINST 1160.5C

Encl: (1) DD Form 149 with 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 a change in his RE-4 reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 September 2009 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 enclosure (1) 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 and began a period of active duty on 23 December 1997 at age 26. He served for one year without disciplinary incident and was advanced to paygrade E-2.

d. Based on the information currently contained Petitioner's record it appears that he submitted a request for a hardship discharge. His commanding officer approved his request and directed an honorable discharge by reason of convenience of the government due to the hardship and assigned a reenlistment code of RE-4. Petitioner was discharged on 22 January 1999.

e. In his application, Petitioner contends that he submitted the request for a hardship discharge to return home to help his mother who, at that time, was suffering from deteriorating discs in her back. Petitioner stated that he was denied the opportunity to be transferred to a unit near his hometown so that he could have had the opportunity to serve out his commitment.

f. The reenlistment code of RE-4 means that Petitioner is not recommended for reenlistment. However, he could have been assigned a code of RE-3H, meaning that he was discharged due to hardship.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action based upon his overall record, no disciplinary actions, and his approved request for a hardship discharge. The Board therefore concludes that no useful purpose is served by assignment of the most restrictive reenlistment code of RE-4, and assignment of the RE-3H code more accurately reflects the quality of his service.

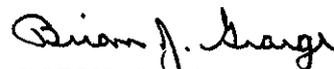
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 22 January 1999 Petitioner was issued an RE-3H reenlistment code vice the RE-4 reenlistment code actually issued on that date.

b. That a copy of 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


BRIAN J. GEORGE
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 Regulation, 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