



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

TJR
Docket No: 13656-10
28 January 2011

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

Subj: [REDACTED]

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

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 that her RE-4 reenlistment code be changed.
2. The Board, consisting of Mr. Clemmons, Mr. Garst, and Ms. Wilcher, reviewed Petitioner's allegations of error and injustice on 19 January 2011 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. Enclosure (1) was filed in a timely manner.
 - c. Petitioner enlisted in the Navy on 3 April 2001 at age 20 and served without disciplinary incident.
 - d. During the period from 7 to 16 August 2001, Petitioner submitted a written request for separation due to parenthood because she could not comply with the Navy's Family Care (NFC) Policy Program. In this regard, she stated that she could not be deployed because she did not have anyone to care for her children. Subsequently, she signed a certificate which stated that she could not comply with the NFC Policy Program.

e. The discharge authority approved the foregoing request and directed an uncharacterized entry level separation by reason of erroneous entry due to parenthood as evidenced by failure to complete family care plan arrangements. At that time Petitioner was not recommended for retention or reenlistment.

f. On 30 August 2001, while serving in paygrade E-1, Petitioner was issued an uncharacterized entry level separation and was assigned an RE-4 reenlistment code.

g. In Petitioner's application, she states that she now has adequate child care arrangements, but the assigned RE-4 reenlistment code is hindering her efforts to enlist in the Army National Guard.

h. An RE-3B reenlistment code may be assigned to Sailors separated due to parenthood, pregnancy, and/or childbirth. This code may not bar enlistment, but requires that a waiver be obtained. Recruiting personnel are responsible for determining whether an individual meets the standards for reenlistment, and whether or not a request for a waiver of a reenlistment code is feasible. A Sailor separated for this reason may also receive an RE-4 reenlistment code, which means that the Sailor is not recommended for reenlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action.

The Board notes Petitioner's overall satisfactory record, to include the lack of any disciplinary infractions. Further, the Board believes that since she was solely separated by reason of parenthood and the nonrecommendation for reenlistment was too harsh. Since an RE-3B reenlistment code is authorized by regulatory guidance for a Sailor who is separated for this reason, the Board concludes that an RE-3B reenlistment code is more appropriate than the RE-4 reenlistment code now of record.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 30 August 2001, 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 reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c), 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