



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

ELP
Docket No 6341-01
29 January 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

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. Davies and Messrs Chapman and McCulloch, reviewed Petitioner's allegations of error and injustice on 24 January 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. Although it appears that Petitioner's application to the Board 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 12 August 1994 for four years at age 27. The record reflects that she was advanced

to SN (E-3), was recommended for promotion, and served without any disciplinary actions.

d. Petitioner gave birth to a daughter on 10 April 1997 and, on 11 September 1997, signed a "Family Care Plan Certificate" in which she stated that she was unable to make adequate arrangements for child care which would permit her to be fully available during duty hours, extended duty hours, exercises, unaccompanied tours, and other similar military obligations.

e. On 25 September 1997 Petitioner was notified of administrative separation action by reason of parenthood due to noncompliance with the requirements of the "Family Care Plan Certificate." She was advised of her procedural rights, declined to submit a statement in her own behalf, and waived the right to have her case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed separation with the type of discharge warranted by the service record. Petitioner was honorably discharged on 12 November 1997 and assigned an RE-4 reenlistment code.

f. Regulations authorize the assignment of an RE-3B or RE-4 reenlistment code to individuals discharged by reason of parenthood. An RE-3B reenlistment code means an individual was separated by reason of pregnancy, childbirth, or parenthood. An RE-3B reenlistment code may be waived to allow reenlistment. An RE-4 reenlistment code means that an individual is ineligible for reenlistment 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 served more than three years, had no disciplinary actions, and was recommended for promotion. Absent evidence to the contrary, the Board finds no basis in the record for assignment of the most restrictive RE-4 reenlistment code and believes that assignment of such a code was unduly severe and unjust. Therefore, the Board concludes that it would be appropriate and just to change the reenlistment code to RE-3B.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 12 November 1997, 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