



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

ELP
Docket No. 1025-01
28 June 2001

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 Messrs. Pfeiffer, Ensley, and Taylor reviewed Petitioner's allegations of error and injustice on 27 June 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 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 4 March 1997 for four years at age 19. At that time, she extended her enlistment

for an additional period of 24 months in exchange for training in the Nuclear Field Program and accelerated advancement to pay grade E-4. Petitioner completed recruit training, graduated number 2 in a field of 31 from the Nuclear Field "A" School, and was advanced to MM3 (E-4).

d. On 5 February 1997 Petitioner submitted a request for administrative separation due to pregnancy. Thereafter, she was notified that administrative separation action was being initiated by reason of convenience of the government due to pregnancy. She was advised of her procedural rights, declined to consult with legal counsel, and waived the right to have her case reviewed by the general court-martial convening authority.

e. Incident to Petitioner's separation, she was recommended for both advancement and retention. Her overall performance was consistently rated as meeting standards or above standards. She was honorably discharged by reason of pregnancy 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 pregnancy. An RE-3B reenlistment code means the individual was separated for pregnancy. An RE-4 reenlistment code means the individual is ineligible for reenlistment without prior approval from the 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 that during Petitioner's short period of active service she had no disciplinary actions and her overall performance met or exceeded the applicable standards. Since she was recommended both for advancement and reenlistment at the time of her discharge, there appears to be no basis for the assignment of the most restrictive RE-4 reenlistment code. Accordingly the Board concludes that it would be appropriate and just to change her 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.

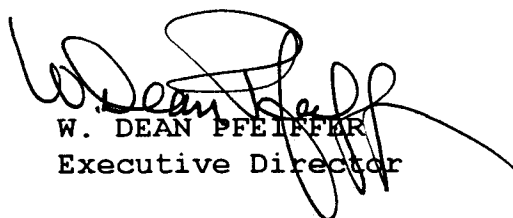
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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