



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

TJR  
Docket No: 7171-00  
11 April 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 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 United States Navy, filed enclosure (1) with this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Carlsen, Lightle, and Swarens, reviewed Petitioner's allegations of error and injustice on 4 April 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 23 June 1994 and served without disciplinary infractions.

d. On 25 October 1995 Petitioner submitted a written request for a hardship discharge because he was unable to obtain adequate care for his dependent child. On 28 February 1996 he submitted another written request for separation by reason of parenthood. Subsequently, he signed a dependent care certificate indicating that he could not comply with the Navy's family care plan, which resulted in him being unavailable for worldwide deployment.

e. On 22 March 1996 Petitioner was notified that he would be separated due to his failure to make arrangements to provide care for his dependents while deployed. On 29 March 1996 Petitioner received a general discharge by reason of parenthood and was assigned an RE-4 reenlistment code.

f. Petitioner's only performance evaluation in the record is for the period from 11 January 1995 to 11 January 1996. This evaluation noted that he was recommended for retention and promotion and reflected a trait average of 3.00.

g. Petitioner's Enlisted Performance Record (Page 9) reflects a performance mark average of 3.80 for the period 15 January 1995 to 15 January 1996, and a final performance average of 3.70. However, these averages are not supported by any evaluation in the record.

h. An RE-3B reenlistment code may be assigned to individuals 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. An individual separated for this reason may also receive an RE-4 reenlistment code, which means that the individual is not recommended for retention or reenlistment.

i. Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. A trait average of 2.0 was required at the time of his separation for a fully honorable characterization of service.

#### 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 and that he served without disciplinary infraction. The Board also notes that even though Petitioner's trait averages differ on his enlisted performance record and his performance evaluation, both marks exceed the required average of 2.0 which is needed for a fully honorable characterization of service. The Board further notes Petitioner's only performance evaluation of record in which he was recommended for retention and promotion and believes that the sole reason for separation was due to him being nondeployable because he could not find adequate child care.

The Board concludes that since an RE-3B reenlistment code is authorized by regulatory guidance for an individual who is separated by reason of parenthood, such a reenlistment code is more appropriate than the RE-4 reenlistment code now of record. Further, given Petitioner's overall satisfactory record and sufficiently high trait average, the Board concludes that relief in the form of recharacterization of Petitioner's discharge is also appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 29 March 1996, to RE-3B.

b. That Petitioner's naval record be corrected to show that he was honorably discharged on 29 March 1996 vice the general discharge actually issued on that same day.

c. 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.


d. 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. 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 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