



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

TJR  
Docket No: 7126-09  
26 August 2009

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

Subj: REVIEW 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 Navy, filed enclosure (1) with this Board requesting that her reenlistment code be changed.

2. The Board, consisting of Mr. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 August 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 it appears that 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 on 7 May 1987 at age 19, began a period of active duty on 1 June 1987, and served without disciplinary incident.

d. In July 1988 Petitioner requested an administrative discharge because of her pregnancy which caused her to be unable to comply with the Navy's Family Care (NFC) Policy Program. Presumably, she signed a certificate which stated that she could not comply with the NFC policy program and her request was granted.

e. In August 1988 Petitioner was administratively processed for separation by reason of pregnancy/childbirth due to her inability to comply with the NFC policy program. At that time the discharge authority directed a reenlistment code of RE-3B or RE-4, as warranted by her service record.

f. On 5 August 1988 Petitioner was honorably discharged by reason of parenthood and assigned an RE-4 reenlistment code.

g. 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 by recruiting personnel who 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, she was honorably discharged by reason of pregnancy or childbirth. 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 5 August 1988, 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. 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