



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

SJN  
Docket No: 09298-10  
23 September 2010

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
[REDACTED]

Ref: (a) 10 U.S.C. 1552  
(b) OPNAVINST 1160.5C

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 a change in his RE-4 (not recommended for retention) reenlistment code.

2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 21 September 2010 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 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 and began a period of active duty on 14 May 1987. During his enlistment, he served without disciplinary incident, was advanced to paygrade E-4 and received a Good Conduct Medal. Based on the information currently contained in his record, he was unable to comply with

Navy directives to be available at all times for worldwide assignment due to parenthood. Subsequently, administrative discharge action was initiated by reason of parenthood on 29 August 1991. He waived all of his procedural rights and was honorably discharged on 31 October 1991, and assigned an RE-4 reenlistment code.

d. In his application, he states that his parenthood issue has been resolved, and would like to enlist in the Army National Guard. In this regard he cites his excellent evaluations and unblemished disciplinary record.

e. The reenlistment code of RE-4 means that Petitioner was not recommended for reenlistment. However, he could have been assigned a code of RE-3B, meaning that he was discharged due to parenthood.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action based upon his overall record of military service, including over three years of honorable service, during which he was advanced to paygrade E-4, had no disciplinary action, and received a Good Conduct Medal. The Board therefore concludes that no useful purpose was served by the assignment of the most restrictive reenlistment code of RE-4, and the assignment of the RE-3B code more accurately reflects his reason for leaving active duty.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 31 October 1991, Petitioner was issued an RE-3B reenlistment code vice the RE-4 reenlistment code actually issued on that date.

b. That a copy of this report of proceedings be filed in 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