



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4683-99

14 October 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149
(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 that her reenlistment code be changed.

2. The Board, consisting of Mr. Pfeiffer, Mr. Milner and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 5 October 1999 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 reenlisted in the Navy on 25 June 1993 for four years and subsequently extended that enlistment. On 17 December 1997 she requested humanitarian reassignment. She stated at that time, as follows:

... My son has been diagnosed with ADD ... severe depression and asthma. He has recently been hospitalized for serve depression which is accompanied by psychotic features. This illness requires continuous support from myself. ...

The commanding officer recommended denial of the request because the squadron would be in a stand down period until September. Alternatively, he recommended that she receive a humanitarian

discharge. On 22 February 1998, her request for humanitarian reassignment was denied.

d. On 10 March 1998 Petitioner requested that the decision be reconsidered because there were new requirements for the treatment of her son. The commanding officer endorsed her request with a recommendation for discharge. On 9 April 1998, the discharge authority directed a hardship discharge with a separation program designator (SPD) of KDB and the assignment of an RE-3H or an RE-4 reenlistment code as appropriate. She was honorably discharged on 7 July 1998 and was assigned an RE-4 reenlistment. However, the reason for discharge entered on the DD Form 214 was "Parenthood or custody of a minor child" with an SPD of HDG. At that time, she had completed 9 years and 2 days of active service.

e. The Board is aware that regulations allow for the assignment of an RE-3H or an RE-4 reenlistment code when an individual receives a hardship discharge.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board concludes that the narrative reason for separation and SPD on the DD Form 214 issued on 7 July 1998 should be changed to hardship with an SPD of KDB, as directed by the Bureau of Naval Personnel.

Concerning the reenlistment code, the Board notes that there is no documentation in the record to support the assignment of the RE-4 reenlistment code. It is clear that her son's condition was so serious that she could not deploy and she had difficulty performing all of her duties. Given the circumstances, the Board concludes that the hardship issue is controlling and that an RE-3H reenlistment code is more appropriate than the more stigmatizing code of RE-4. The RE-3H reenlistment code will alert recruiters that the hardship situation will have to be resolved before reenlistment can be authorized.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 7 July 1998 she was discharged by reason of hardship with an SPD of KDB vice the reason for discharge and SPD now of record.

b. That Petitioner's naval record be further corrected to show that on 7 July 1998 she was assigned an RE-3H reenlistment code vice the RE-4 reenlistment code now of record.

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 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 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