



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

TRG
Docket No: 7793-98
6 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 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 United States Navy filed enclosure (1) with this Board requesting that her reenlistment code be changed.

2. The Board, consisting of Ms. Taylor, Ms. Newman and Mr. Taylor, reviewed Petitioner's allegations of error and injustice on 21 September 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 28 December 1992. In 1994 she was diagnosed with carpal tunnel syndrome and was placed on several periods of limited duty.

d. On 28 November 1996 she reported to a helicopter squadron and was assigned as a tool room supervisor, but was restricted in her duties because of the carpal tunnel syndrome. In her initial evaluation for the period ending 15 March 1997, the individual trait average (ITA) was 3.43 and she was recommended for advancement and retention in the Navy. The evaluation for the period 16 March to 15 December 1997 is adverse, with an ITA of 1.71, and she was not recommended for advancement or retention. The evaluation comments state, in part, as follows:

Reluctant to learn other Material Control functions. ... Work output marginal. Has only demonstrated the ability to complete repetitive tasks normally suited for (an) airman. .. Has little interest outside her immediate job description. Avoids any collateral duties and increased responsibility. ... Puts personal interest above the division. Pursues own needs without due regard to the welfare of coworkers. ... repeated documented tardiness and personal problems has caused a strain within the division. ... Leadership capability is limited. Her poor self motivation negatively impacts subordinates.

On 10 December 1997 she was found fit for full duty. She was honorably discharged on 26 January 1998 due to completion of required service with a separation program designator (SPD) of KBK. At that time, she was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

e. In her application Petitioner contends that she was mistreated by the command because she was assigned to the tool room, which required lifting, and the command refused to heed medical advice. As a further example of command mistreatment, she states that the command assigned her to the night shift without giving her time to arrange child care and the assignment caused her fatigue and stress.

f. On 17 November 1998 the Department of Veterans Affairs found that her disabilities were service connected and rated her at 30% for dysthymic disorder, 10% for degenerative changes of the cervical spine, and 10% for carpal tunnel syndrome, all retroactive to the date of discharge from the Navy.

g. The Board is aware that an RE-3P reenlistment code may be assigned when an individual is discharged due to a physical disability but is not authorized when an SPD of KBK is assigned.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that Petitioner was having difficulties performing her duties and there was a basis for the command to be unhappy with her performance. However, the Board notes that there were documented physical problems while in the Navy and she has received a disability rating from the DVA. Given all the circumstances, the Board concludes that it was proper to deny her reenlistment. However, since her poor performance may have been related to physical problems, the Board

believes that any doubt should be resolved in her favor and the reenlistment code should be changed to RE-3P reenlistment code as an exception to policy. This code will alert recruiters that an evaluation of her physical problem is required before reenlistment can be authorized.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the assignment of the Re-3P reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 26 January 1998 she was assigned an RE-3P reenlistment vice the RE-4 reenlistment code now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

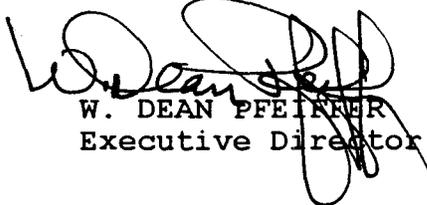
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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