



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No: 6412-20  
Ref: Signature Date

█  
█  
█

Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 October 2020. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to its understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 30 July 1996. You separated on 22 August 1999, with an honorable characterization of service to enter an NROTC program. Your Certificate or Release from Active Duty (DD Form 214) reflects a reentry (RE) code of RE-2 and a separation code of "KGX."

In your application for consideration, you ask that your RE-2 code be changed and that your separation be changed. You state that you would like an RE-1 and a change to the separation code of KGX based on the updated BUPERINST 1900.8's current guidance. You seek the

change to enter the Navy as an Intelligence Officer, and contend that a change to your RE-2 code is needed to submit your officer selection package. You provide a letter dated 20 July 2020, from Navy Personnel Command (NPC) in which NPC explained that at the time of your period of service, BUPERSINST 1900.8 was the guiding directive used to issue DD Form 214s. At the time of your discharge, the guidance directed that your type of separation was to be assigned a separation code of KGX-Enter Officer Training Program and an RE-2.

The Board, in its review of your entire record and application, carefully weighed your request. The Board found that based on the 1999 guidance of BUPERSINST 1900.8 for your type of discharge, your separation code and RE-2 code were issued without error or injustice. The Board noted that you indicate that the RE-2 code and KGX separation code may currently be impacting your ability to submit an officer package. However, your DD Form 214 from 1999 is not erroneous. The Board determined that the 30 July 2020 letter from NPC explaining the assignment of the RE-2 and KGX in 1999, and noting the change to the BUPERSINST's guidance in 2004 to issue RE-1 codes for your type of separation should be able to address any administrative misunderstandings at the officer application level. The Board concluded that a post-discharge change in the guidance contained in BUPERSINST 1900.8 does not merit a retroactive correction to your DD Form 214 that was issued without error or injustice in 1999.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

12/10/2020

█  
Executive Director

Signed by █