



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

█  
Docket No: 0397-21  
Ref: Signature Date

█  
Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 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, sitting in executive session, considered your application on 17 February 2021. The names and votes of the panel members 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 the 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, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their 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 on 27 April 2020. Your record was incomplete and did not contain all of the information pertaining to your separation from the Navy. However, according to the available information in the record, it appears you were separated from the Navy for the convenience of the government due a condition, not a disability. You received an uncharacterized characterization of service, and assigned an RE-4 reentry code. Presumably, prior to your separation, you were notified of the separation process, and after being afforded your procedural rights, your package would have been forwarded to the separation authority, and you were ultimately separated from the Navy on 17 June 2020. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of

substantial evidence to rebut the presumption, to include evidence submitted by the Petitioner, the Board presumes that the officials acted in accordance with governing law/policy and in good faith, and that you were properly separated from the Navy.

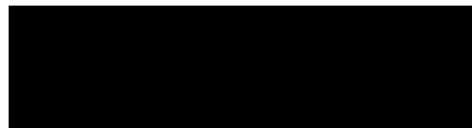
The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your RE-4 reentry code and contention that you were told you would be allowed to reenlist after six months. The Board also noted your contentions that you were given medication that made you feel out of your body, and you received two iron infusions and a blood transfusion that made you have an allergic reaction. You also contend that and you were never told you were receiving an RE-4 reenlistment code.

The Board noted that there is no provision in law or regulations that allows for re-characterization of service automatically after six months, due solely to the passage of time. The Board further noted that there is no evidence in your record, and you submitted none, to support your contentions regarding your medication and blood transfusion. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that based on the available information, it appears that you were assigned the appropriate characterization and reentry code. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

03/05/2021

A large black rectangular redaction box covers the signature area.

Executive Director