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

[redacted]
Docket No: 0447-21
Ref: Signature Date

[redacted]

Dear [redacted]

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 3 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 and began a period of active duty on 7 August 1997. On 1 June 2000, you received non-judicial punishment (NJP) for disorderly conduct. On 13 July 2000, you were provided your Evaluation Report and Counseling Record (FITREP) for the period 16 July 1999 to 1 June 2000; your FITREP annotated that you were not recommended for retention. The record reflects you were informed that if you desired to submit a statement concerning your FITREP you could do so within 10 days after you received your FITREP. The Board noted your record does not contain a statement from you concerning your FITREP. Subsequently, you were transferred to the Naval Reserve upon completion of your required active obligated service on 6

August 2000, and assigned an RE-4 reenlistment code. Thereafter, you were discharged from the Naval Reserve on 21 March 2005.

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: (1) your desire to change your reenlistment code and contention that the record is an error; (2) your reenlistment code could affect future employment in the government and overall morale; (3) you were denied the right to be heard or grieve your unjust evaluation; (4) you served out your complete enlistment contract without incident; and (5) you were not aware that your reenlistment code could be affected by your last evaluation or deter your hopes of reenlistment and training. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In this regard, an RE-4 reentry code is authorized by regulatory guidance when a Sailor is separated at the expiration of his or her term of active obligated service and not recommended for retention. The Board also noted that the record contains documented evidence which is contrary to your contention that you were denied the right to be heard or grieve your unjust evaluation. 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,

2/18/2021

[redacted]

Executive Director

Signed by: [redacted]