



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

█  
Docket No: 705-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █  
█ XXX-XX-█, USN

Ref: (a) 10 U.S.C. § 1552  
(b) USD memo of 25 Jul 18, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations"

Encl: (1) DD Form 149 (NR20210000705)  
(2) BCNR Docket No. NR20190006671  
(3) BCNR, Advisory Opinion of 28 Apr 21

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change to his narrative reason for separation and a change to his reentry (RE) code. Enclosures (2) through (3) and references (a) through (b) apply.

2. The Board consisting of █ reviewed Petitioner's allegations of error and injustice on 16 July 2021, 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, relevant portions of his naval service 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. It is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner signed an eight-year enlistment contract on 17 August 2012, with an agreement to serve four years on active duty in the Navy. On 17 October 2012, Petitioner signed Administrative Remarks (1070/613), Naval Special Warfare/Naval Special Operations Challenge Program Statement of Understanding, in which he acknowledged that he was enlisting in the

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[REDACTED], XXX-XX-[REDACTED], USN

Navy under a 6-year obligation school guarantee with a guaranteed assignment to SO within the Naval Special Warfare/Naval Special Operations Challenge Program. Petitioner began a period of active duty on 11 February 2013.

d. Petitioner's History of Assignments reflects that Petitioner was assigned to BTC [REDACTED] on 12 June 2013; he was assigned to [REDACTED] on 30 July 2013.

e. Petitioner's evaluations for the periods of 15 June 2015 to 15 June 2016, and 16 June 2016 to 23 January 2017, show he was assigned to [REDACTED] where he served as a Naval Special Warfare (NSW) Tactical Communicator-3, and advanced to the grade of second class petty officer.

f. On 12 April 2017, Petitioner returned to BTC SEALS [REDACTED]

g. On 12 October 2017, after failing to finish training, Petitioner was discharged from the Navy on the basis of separation by reason of unsatisfactory performance and received an honorable discharge and a reentry (RE) code of RE-4. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) reflects a separation authority of MILPERSMAN 1910-156 and a separation code of JHJ.

h. Petitioner previously petitioned the Board and requested a change to his RE-4, enclosure (2). The previous Board took into account potentially mitigating factors including that Petitioner had no negative counselings in his record, exceeded standards, and was dealing with personal stressors at the time of his service. The Board concluded that a change to Petitioner's RE-4 was not warranted given his training failure.

i. In his current application, Petitioner again requests a change to his RE-4 code and also asks that his narrative separation reason be changed to "Secretarial Authority." Petitioner contends that the RE-4 and the narrative reason are unjust. He provides a personal statement in support of his request, noting that after graduating from boot camp, he attended BUD/S and dropped out during "Hell Week." He went to IT school with the intent to reapply to BUD/S. He served with [REDACTED] and then returned to BUD/S. After completing all grade portions of "Hell Week" during his second evolution at BUD/S, Petitioner states that he faced the decision of continuing with his career or satisfying his parental responsibilities toward his special needs daughter. Rather than accepting "Needs of the Navy" orders, Petitioner states he accepted an offer for early separation that would prevent him from rejoining the Navy. Since his honorable discharge, Petitioner has been personally and professionally successful. He works in IT for [REDACTED] supports his family and his former spouse. Retired Senior Chief Petty Officer [REDACTED] a former Senior Enlisted Leader who served within the Naval Special Warfare Community, provided a letter of support for Petitioner's request. Senior Chief Petty Officer [REDACTED] deployed with Petitioner from August 2015 to March 2016 as part of the Naval Special Warfare Task Force tasked with countering [REDACTED] Terrorist Network in [REDACTED]. [REDACTED] stated that the "RE-4 specifically characterized as 'Unsatisfactory Performance' is entirely unwarranted," and strongly recommends the Board grant Petitioner a change to his RE code.

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## CONCLUSION

The Board reviewed Petitioner's submissions, his available service record, and the previous Bard decision. The Board determined that Petitioner voluntarily elected to accept separation from the Navy after his second evolution at BUD/S. Even taking into consideration Petitioner's personal circumstances, the Board found that because Petitioner opted for an honorable discharge rather than taking "Needs of the Navy" orders, the RE-4 was assigned without error or injustice and should not be changed.

With regard to Petitioner's narrative reason for separation, the Board considered Petitioner's tremendous contributions to the Navy during his nearly five years of active duty, and took particular note of Senior [REDACTED] letter of support. In light of Petitioner's honorable discharge, the nature of his service, and the support he enjoys from a senior member of the Naval Special Warfare community, the Board determined that Petitioner's narrative separation reason of "Separation by Reason of Unsatisfactory Performance" is unjust and merits corrective action. The Board concluded that Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) should be changed to reflect an honorable discharge with a narrative reason for separation of "Secretarial Authority," a separation authority of "MILPERSMAN 1910-164, and an SPD code of "JFF." The Board concluded that no further corrective action is warranted.

In view of the above, the Board directs the following corrective action.

## RECOMMENDATION:

That Petitioner's naval record be corrected to show that on 12 October 2017, Petitioner was issued an honorable discharge by reason of "Secretarial Authority," that his SPD code is "JFF," and that his separation authority is "MILPERSMAN 1910-164."

That Petitioner be issued a new DD Form 214.

That a copy of this report of proceedings be filed in Petitioner's naval record.

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 26 January 2021.

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.

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 Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

7/20/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]