



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

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Docket No: 5274-21
9282-15
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for reconsideration 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 reconsideration request has been denied.

The Board determined that your personal appearance via telephone or video, 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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel of the Board, sitting in executive session on 20 December 2021. The names and votes of the members of the panel will be furnished upon request. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record, applicable statutes, regulations, and policies to include the 25 July 2018 Under Secretary of Defense Memo on Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations. In addition, the Board considered the advisory opinion (AO) furnished by a qualified mental health professional dated 1 November 2021, which was previously provided to you.

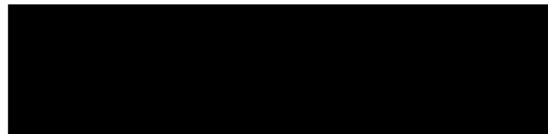
You presented as new evidence statements that: (a) you feel your RE-4 reentry code was biased and not at all indicative of your complete service time; (b) it was the last evaluation you received prior to your discharge, and the result of one engineering officer's opinion of you; and (c) you were suffering from stress related anxiety, which the Navy failed to diagnosis throughout your career. In reviewing the circumstances of your separation and reentry code, the Board considered the totality of the circumstances to determine whether relief is appropriate today in

the interests of justice in accordance with guidance provided by the Under Secretary of Defense for Personnel and Readiness (*Wilkie Memo of 25 July 2018*). Additionally, the Board concurred with the AO that based on the current available evidence, there is insufficient evidence that you incurred a mental health condition during military service, and there is insufficient evidence that your re-enlistment code assignment was mitigated by a mental health condition. After careful review, the Board concluded that your RE-4 reentry code was issued without error or injustice, and that corrective action is not warranted.

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,

1/11/2022

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Executive Director

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