



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

█  
Docket No: 5777-21  
Ref: Signature Date

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Dear Petitioner:

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 29 September 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 service on 4 May 2004. On 20 January 2005, you received non-judicial punishment (NJP) for dereliction of duty, and being incapacitated for the performance of your duties. On 23 June 2005, you received your second NJP for making a false official statement, unauthorized crossing into █, being intoxicated while in a duty status, and unauthorized absence from your appointed place of duty. On 13 July 2005, you received a counseling notification that you were not eligible for reenlistment. On 14 July 2005, you received a trait average of 1.0. On 14 July 2005, you were discharged with a general



character of service by reason of misconduct due to the commission of a serious offense, and you were issued an RE-4 reentry code.

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 reentry code as a matter of clemency. You contend that you have changed your behavior, you are more responsible, and you are no longer immature. The Board reviewed all evidence submitted with your application. The Board commends your post service conduct. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant adjustment to your reentry code. Specifically, the Board determined the evidence you provided did not outweigh the severity of the repeated misconduct you committed. 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,

10/22/2021



Executive Director

