



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

█  
Docket No: 5973-21

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 reconsideration application on 15 October 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).

You originally enlisted in the U.S. Navy Reserve (USNR) at age 33 on 24 June 2002 for eight years. You were initially assigned to a reserve unit at Naval Reserve Center, █, █.

You served without incident in the USNR until 2014. However, from June through October 2014 you accumulated twenty (20) unexcused absences from regularly scheduled drill periods.

On or about 7 October 2014 Navy Operational Support Center █ (NOSC █) notified you via U.S. Certified Mail that you were being processed for an administrative discharge by reason of unsatisfactory performance in the ready reserve. Ultimately, on 15 November 2014 you were discharged from the USNR for unsatisfactory participation with a general (under honorable conditions) (GEN) characterization of service and assigned 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 contentions that: (a) at the time of your discharge you were unemployed and homeless; (b) such issues contributed to your inability to fulfill your obligations as a reserve Sailor at NOSC ██████████; (c) you made every attempt possible to complete your military obligation but were not successful; and (d) you would very much appreciate “the opportunity to complete the mission.” However, based upon this review, the Board concluded that these potentially mitigating factors were insufficient to warrant any and all relief.

The Board noted that no evidence exists in the record that you ever made up or attempted to make any of your missed drills. Moreover, your IDT History indicates that you had received authorized absences in both January and February 2014, so it was clear to the Board that you understood how the process worked with NOSC ██████████ and your chain of command to receive excused absences. The Board sympathized with your housing and work situation; however, the Board concluded that this was outweighed by your failure to attend 20 required weekend drills over a five-month period of time. Accordingly, the Board determined that there was no impropriety or inequity in your discharge, and concluded that shirking your USNR responsibilities clearly merited your separation and RE-4 reentry code.

The Board did not believe that your USNR service was otherwise so meritorious to deserve a change in your reentry code and/or discharge upgrade, and the Board determined that Sailors should receive no higher discharge characterization than is due. The Board concluded that negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. Furthermore, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions.

The Board also noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows for a discharge to be automatically upgraded or reentry code changed after a specified number of months or years. Moreover, absent a material error or injustice, the Board declined to summarily upgrade a discharge or change a reentry code solely for the purpose of facilitating VA benefits, or enhancing educational, employment, or reenlistment opportunities. Accordingly, the Board concluded that you received the correct reentry code and discharge characterization based on your overall circumstances and that such reentry code and characterization were in accordance with all DoN directives and policy at the time of your discharge. The Board carefully considered any matters submitted regarding your post-service conduct and accomplishments, however, even in light of the Wilkie Memo and reviewing the record holistically, the Board still concluded that given the totality of the circumstances your request does not merit relief.



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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,

10/15/2021



Executive Director

