



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

█  
Docket No: 7261-21  
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 3 December 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 6 July 2000. You went on a period of unauthorized absence (UA) from 15 October 2000 until your surrender on 25 October 2001. As a result of the foregoing misconduct, on 26 October 2001, you submitted a request for discharge in lieu of trial by court martial. On 5 November 2001, the discharge authority approved your request for discharge, with an other than honorable (OTH) characterization of service by reason of separation in lieu of trial by court martial. On 19 November 2001, you were so discharged, and issued a 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, and your contentions that: (a) you were informed you would be issued a RE-3 reentry code; and (b) you would like to reenlist and serve in the reserves. The Board additionally considered the statements you have provided regarding your positive post-service conduct. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board noted your statement regarding the reentry code you were to be issued upon your discharge. You were separated in lieu of trial by court martial and issued the appropriate reentry code of RE-4. Therefore, the Board found no error in the reentry code you were issued. The Board considered your request to change your reentry code to allow reenlistment, however, the Board determined your age precludes you from reenlistment into the reserves. The Board determined you failed to provide evidence to support your positive post service conduct. 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,

1/11/2022

[REDACTED]

Executive Director

[REDACTED]