



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

[REDACTED]  
Docket No: 7779-21

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],  
USN, [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149  
(2) Case summary  
(3) Naval record (excerpts)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected to adjust her reenlistment code from RE-4 to RE-1 and her rank from E-1 to E-3. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 December 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 10 January 1995.

d. Petitioner received non-judicial punishment (NJP) on 19 December 1997 for two specifications of unauthorized absence, and making a false statement. She was awarded restriction, extra duty (suspended), and forfeiture of pay.

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e. Petitioner received her second NJP on 23 January 1998 for willfully disobeying a lawful order, and as a result was awarded reduction in rank from SA(E-2) to SR (E-1).

f. Petitioner was released from active duty and transferred to the naval reserve after completion of her required active service on 29 January 1998. She was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that indicates a RE-4 reentry code and her rank as SR (E-1) with a date of rank of 23 January 1998.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial relief.

The Board notes Petitioner's minor disciplinary infractions and does not condone her misconduct. However, the Board considered the nature of the misconduct and did not believe that it should bar her from future service. In this regard, the Board determined she is entitled to a change to her reentry code to RE-3R, which coincides with her rank at the time of discharge and is a waiverable code.

In regard to Petitioner's request of adjustment to her rank from SR (E-1) to SN (E-3), the Board noted her reduction in rank as a result of her 23 January 1998 NJP. The Board found no evidence, and Petitioner failed to provide evidence to reflect she was a SN as the time of her discharge. The Board did not find evidence of an error or injustice that warrants adjustment to her rank/grade.

The Board notes Petitioner DD Form 214 contains an administrative error. Petitioner completed her required active service and was transferred to the naval reserve, therefore, her DD Form 214 should list a separation code of LBK.

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

## RECOMMENDATION:

Petitioner be issued a Correction to DD Form 214 Certificate of Release or Discharge from Active Duty (DD Form 215) to indicate her SPD Code as LBK and her reentry code as RE-3R.

That no further changes be made to Petitioner's record.

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

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

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

1/11/2022

[REDACTED]

Executive Director

[REDACTED]