



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

[REDACTED]
Docket No: 0126-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 with attachments
(2) Case Summary

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 a change of his reenlistment code from "RE-4" to "RE-1."

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 March 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include reference (b).

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. Petitioner enlisted in the Navy and began a period of active duty on 28 January 2014. On 19 October 2019, Petitioner received non-judicial punishment (NJP) for dereliction in the performance of duty. On 26 November 2019, Petitioner was issued an administrative remarks (Page 13) documenting his NJP of 19 October 2019. Additionally, the Page 13 also annotated that Petitioner was not recommended for retention. On 27 January 2020, at the completion of Petitioner required active service, he was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that annotated his characterization of service as honorable and assigned a reenlistment code of RE-4.

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c. Petitioner contends that he was very confused when he received his DD Form 214 and noted that his reenlistment code was RE-4. He further states that his reenlistment code was not discussed with him by any member of his chain of command. Petitioner further contends through counsel the following:

1) The Petitioner's reenlistment code is in error. Petitioner's "Evaluation Report" following his NJP indicated that he met the standards during this time period and he was rated as "Promotable" without mentioning any reason as to why the "Not Recommended" for retention block was selected. The "Not Recommended" box check was not explained in block 43 (Remarks Section) as required by naval regulation;

2) The comments and ratings on Petitioner's final "FITREP" indicate that he was fully rehabilitated, eligible, suitable, and qualified for military service when he departed; and

3) Petitioner's subsequent conduct (attending school) and clean criminal record indicate that his misconduct was an uncharacteristic mistake, as opposed to being indicative of a larger character or behavioral flaw.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that given the totality of his circumstances, Petitioner's request merits relief. Additionally, the Board reviewed Petitioner's application under the guidance provided in reference (b). Specifically, the Board considered whether his application was the type that was intended to be covered by this policy.

After careful consideration, the Board initially notes Petitioner's disciplinary infraction and does not condone his misconduct. However, the Board considered the fact Petitioner possessed only one disciplinary infraction in his six years of active service and noted his performance evaluations before and after his disciplinary infraction were not adverse. Therefore, the Board determined that the record should be changed to reflect a more favorable reenlistment code. Based on the foregoing, the Board concludes that no useful purpose is served by having Petitioner's reenlistment code reflect as "RE-4" and changing the reenlistment code to "RE-1" is appropriate.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner be issued a DD Form 215 indicating that on 27 January 2020, Petitioner's reenlistment code reflected as "RE-1."

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

4. 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 Regulations, 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.

3/21/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]