



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

█  
Docket No: 0337-22  
Ref: Signature Date



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 11 February 2022. 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 enlisted in the Marine Corps and began a period of active service on 24 October 2016. On 2 February 2017, you were counseled regarding your insubordinate conduct toward a non-commissioned officer, and notified further misconduct may result in the initiation administrative of separation proceedings. On 14 February 2017, you were convicted at a summary court martial (SCM) for two specifications of willfully disobeying a lawful order as a result of your refusal to train. On 24 February 2017, you submitted a statement, in which you express your desire did not desire to remain in the Marine Corps. On the same day, you were notified of the initiation of administrative separation proceedings due to misconduct due to pattern of misconduct, and misconduct due to the commission of a serious offense, at which point you elected your right to consult with counsel. On 9 March 2017, your commanding officer recommended your separation from naval service with an other than honorable (OTH) character of service by reason of misconduct due to pattern of misconduct, and misconduct due to the commission of a serious

offense. On 21 March 2017, the separation authority approved and directed your separation with an OTH character of service due to misconduct with the primary reason of pattern of misconduct, and a RE-4 reentry code. You were discharged on 27 March 2017 and issued an RE-4 reentry code.

Upon review of your record an administrative error was identified on your Certificate of Release or Discharge from Active Duty (DD Form 214). Your DD Form 214 reflects you were separated with an uncharacterized characterization of service vice an OTH character of service, and your narrative reason of separation reflects you were separated due to entry level performance and conduct vice misconduct due to pattern of misconduct, as directed by the separation authority. The Board cannot direct adjustment to your record if it leaves you in a worse state than prior to your appeal to the Board, therefore no action will be taken regarding the aforementioned administrative error.

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 change your reenlistment code from an RE-4 to an RE-1A. You contend your current reentry code prevents you from pursuing a career in the Marine Corps. The Board reviewed the documents you provided with your application. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board noted, outside of your statements, you failed to provide sufficient evidence to support adjustment to your reentry code. The Board determined based on the record, that you were issued the appropriate reentry code. 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,

3/4/2022

[REDACTED]  
Executive Director

Signed by: [REDACTED]