



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

█  
Docket No: 0527-22  
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 23 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 4 December 2001. You served an honorable period of continuous active service from 4 December 2001 to 28 November 2005. You reenlisted in the Marine Corps on 29 November 2005. On 13 February 2007, you were counseled regarding your failure to demonstrate maturity. On 8 August 2008, you were convicted at a general court martial (GCM). You were found to be guilty of wrongfully soliciting another Marine to commit premeditated murder, and wrongful use of facilities of interstate commerce with intent to pay for premeditated murder. You were sentenced to confinement, reduction in rank, and a bad conduct discharge (BCD). On 22 June 2011, you were discharged with BCD by reason of court martial conviction, and issued a RE-4B 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 reenlistment code from RE-4B to

one that would allow reenlistment. You contend that since your discharge from the Marine Corps you have held steady employment, earned a degree, and volunteered at your local fire department. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board reviewed the character letters you provided in support of your request. The Board commends your positive post service conduct. Notwithstanding, the Board determined you failed to provide the appropriate documentation to support all of your contentions. The Board found insufficient evidence to support adjustment to your reentry code as a matter of clemency, and further determined you were issued the appropriate reentry code based on the misconduct you committed. 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

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Executive Director

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