



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

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Docket No: 1918-22

Ref: Signature date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 4 April 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, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 12 November 2010, you reenlisted in the Navy after serving over four years of honorable service. On 3 July 2012, you received nonjudicial punishment (NJP) and were reduced in rank to E-3. On 11 November 2012, you were released from active duty and transferred to the Navy Reserve at the completion of your active service with an honorable characterization of service and a RE-6 (ineligible or denied reenlistment due to high year tenure) reentry code. Upon your release, you had served five years, eleven months, and eight days active service.

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 request to change your reentry code from RE-6 to RE-1 in order to enlist in the Coast Guard Reserve. You contend that the Coast Guard Recruiter indicated that there was mistake and that because you have an honorable characterization of service, you must have an RE-1 reentry code to match in order to enlist.

In January 2012, the High Year Tenure (HYT) length of service (LOS) gates were changed. Effective 1 July 2012, the HYT for an E-3 was 5 years. Additionally, the change to HYT indicated, in part, that Sailors reduced on or after 1 July 2012...must separate...unless they are granted a HYT waiver, reinstated, or subsequently advanced.

The Board upon review of your record in conjunction with the change to the HYT policy found no error or injustice in the assignment of your reentry code. At the time of your release from active duty you were past the HYT threshold and there is no indication that you applied for a waiver. 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 the 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,

7/1/2022

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Executive Director
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