



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: 2156-22
Ref: Signature Date

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Dear █

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 30 March 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 to the Kurta Memo and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy began a period of active service on 27 February 2013, serving for approximately 21 months without incident. On 9 December 2014, you received nonjudicial punishment (NJP) for violation of two specifications of Article 92 of the Uniform Code of Military Justice. Specifically, you were found guilty of operating a vehicle aboard a military installation after revocation of your driving privileges and of failure to complete your Family Care Certificate as ordered. At the time of your NJP, you were counseled on retention and issued warnings of the potential for administrative separation or additional disciplinary action if you committed further misconduct. Shortly thereafter, you admitted to making a false statement

regarding the purchase of an airline ticket for your dependent, and you were notified of processing for administrative separation for commission of a serious offense. Your commanding officer stated, in his 5 January 2015 recommendation, that you were unsuitable for further naval service but that your misconduct did not warrant an other than honorable discharge. You were subsequently discharged, on 19 January 2015, with a final trait average of 2.83.

The Board carefully weighed all potentially mitigating factors with respect to your desire to change your "RE-4" reentry code to permit reenlistment, to include your apology for behaving irresponsibly during your naval service, your acknowledgment that you took on dependent responsibilities which you could not financially support, and your assurances that you have endeavored to become a responsible citizen and develop your character to ensure you will not repeat the mistakes of the past. The Board also considered your post-service clemency matters in obtaining your license as a pharmacy technician with hopes of using your new career skills to continue serving in the U.S. Army. After thorough consideration of the all available evidence, although the Board noted the favorable recommendation of your commanding officer in securing your General (Under Honorable Conditions) discharge, the Board found that the mitigating factors you presented were insufficient to outweigh the severity of your in-service misconduct or to demonstrate that your post-service conduct now aligns with naval standards. As a result, the Board determined that your request for a change to your reentry code does not merit relief at this time.

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 is attached 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,

4/6/2022

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Executive Director

Signed by: █