



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

█
Docket No: 2253-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █, █,
USN, XXX-XX-█

Ref: (a) 10 U.S.C. 1552
(b) SECDEF 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
(2) Case summary
(3) Naval record (excerpts)

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 adjustment to the reentry code listed on his Certificate of Release or Discharge from Active Duty (DD Form 214) from RE-4 to RE-6. Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, █, reviewed Petitioner's allegations of error and injustice on 20 July 2022, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, 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 reenlisted in the U.S. Navy on 21 June 2012, after over 8 years of honorable service. On 8 June 2020, he executed an extension that changed his contract expiration date to 21 July 2021.

c. On 31 May 2017, Petitioner received non-judicial punishment (NJP) for failure to obey a lawful order. He was awarded restriction, forfeiture of pay, extra duty, and reduction in rank from E-6 to E-5. Subsequently, Petitioner was counseled regarding his receipt of NJP, and

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notified further deficiencies may result in the initiation of administrative separation proceedings. However, Petitioner's reduction to E-5 placed him in a High Year Tenure (HYT) status based on years of service and made him ineligible for reenlistment.

d. As a result, Petitioner was discharged at the end of his obligated active service, on 18 July 2021, with an Honorable character of service and issued a RE-4 reentry code.

f. MILPERSMAN 1160-120 directs commands separating a member in the paygrade of E-5 and below for HYT to enter a reentry code of "RE-6" on the member's DD Form 214, provided the member is otherwise fully retainable. Petitioner was recommended for promotion and retention on his final performance evaluation.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief and that his reentry code should be changed to "RE-6." In making their finding, the Board considered MILPERSMAN 116-120 and determined that Petitioner met the requirements for a "RE-6" code based on his separation evaluation that recommended him for promotion and retention in the Navy.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), to indicate he has a "RE-6" reenlistment code.

That no further changes be made to Petitioner's record.

That 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.

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 Regulation, 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.

8/12/2022

[REDACTED]
Executive Director

Signed by: [REDACTED]