



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

Docket No. 3974-22  
Ref: Signature Date

Dear [REDACTED],

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code (U.S.C.). 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 5 July 2022. The names and votes of the members of the panel 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 this 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.

You requested to amend your Reentry Code from “RE-4” to “RE-1” and establish eligibility for a non-regular retirement. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that you did not meet the criteria of Bureau of Naval Personnel Instruction (BUPERSINST) 1900.8C or Title 10 U.S.C. 12731(a)(2) to warrant correction to your record. Specifically, BUPERSINT 1900.8C indicates “RE-4” shall be entered when a member is not recommended for reenlistment by the Commanding Officer. Title 10 U.S.C. 12731 specifies a person is entitled, upon application, to retired pay if the person has performed at least 20 years of service computed under section 12732. Title 10 U.S.C. 12732 requires service members to be in a Reserve Component to be eligible to apply for a non-regular retirement.

A review of your record indicates you enlisted on 19 April 1991 and entered active duty on 29 July 1991. On 28 July 1995, you were release from active duty and transferred to the Navy Reserve to complete your military service obligation. On 24 February 2004, you enlisted in the Navy and entered active duty. Your last three evaluations prior to discharge did not recommend you for retention because of multiple physical fitness assessment failures, thereby rendering you

ineligible for reenlistment. You discharged on 30 October 2013 with 13 years, 8 months, 7 days of total active duty service and appropriately given a Reentry Code of "RE-4." At the time of this discharge, you previously earned seven total years of qualifying service in the Navy Reserve. The Board noted that you cumulatively completed sufficient service for retirement, however, you were not a member of the Reserve Component nor were you recommended for reenlistment to affiliate with Navy Reserve to garner a non-regular retirement

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,

7/18/2022

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