



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

█  
Docket No: 4196-22

Ref: Signature date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 27 June 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).

You enlisted in the Navy and began a period of active duty on 30 November 1995. On 4 January 1996, you were diagnosed by a medical officer with an adjustment disorder with mixed anxiety and depressed mood. As a result, you were recommended for administrative separation. On 6 January 1996, you were notified of the initiation of administrative separation proceedings by reason of erroneous enlistment, at which point, you elected to waive all your procedural rights. On the same date, your commanding officer recommended an entry-level separation characterization of service by reason of erroneous entry. On 16 January 1996, you were discharged with an uncharacterized entry-level separation and assigned a RE-4 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 for a change to your reentry code and contentions that you were born with a birth defect which was surgically corrected when you were a child,

that you have been a good citizen all your life, and that you were not involved in any criminal activities while in service. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that you were appropriately discharged based on your adjustment disorder diagnosis and assigned an uncharacterized entry-level separation since you were notified of your separation process within 180 days of the beginning of your period of active service. In addition, the Board determined your RE-4 reentry code was also appropriately assigned since naval regulation authorize an RE-4 code for recruits who fail to meet medical/physical procurement standards. Based on the medical evidence in your case, the Board concluded you were not medically qualified for enlistment due to your adjustment disorder with mixed anxiety and depressed mood. Therefore, after applying liberal consideration, the Board did not find evidence of an error or injustice that warrants changing your reentry code or granting clemency in your case. 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,

7/15/2022

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Executive Director  
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