



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: 4911-22

Ref: Signature Date

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Dear Petitioner:

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

A three-member panel of the Board, sitting in executive session, considered your application on 5 August 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 the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

On 22 July 2021, you commenced training/school at the █. However, on 15 April 2022 you were disenrolled from █. Upon your disenrollment you were honorably discharged and assigned an "RE-3K" reentry code. In the Navy, an "RE-3K" reentry code corresponds to: "disenrolled from █." In this regard, you were assigned the correct characterization and reentry code based on your factual situation.

Despite the fact that certain academic, disciplinary, and administrative records were not in your service record, the Board relied on a presumption of regularity to support the official actions of public officers. In the absence of substantial evidence to rebut the presumption, to include evidence submitted by you, the Board presumed that you were properly discharged from the naval service with an "RE-3K" 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: (a) that you would like to enlist in the U.S. military, (b) your recruiter says your current reentry code prohibits you from enlisting, and (c) even though you failed to complete the commissioning program at [REDACTED], you still want the opportunity to be able to enlist. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

The Board ultimately determined that your Navy service records and DD Form 214 maintained by the Department of the Navy (DoN) contain no known errors. The Board unequivocally disagreed with your recruiter's position that your current "RE-3K" reentry code prohibits you from enlisting. The Board noted that your "RE-3K" reentry code is a waivable reentry code, does not, per se, prevent a subsequent enlistment, and was the proper reentry code for a case involving a [REDACTED] disenrollment such as yours. The Board also noted that recruiting personnel will be responsible for determining whether you meet the standards for reenlistment and whether or not your reenlistment is feasible given your previous military history.

The Board did not believe that your record was otherwise so meritorious to deserve a change in your reentry code in exception to existing policy. The Board noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows for a reentry code to be automatically upgraded or changed after a specified number of months or years. Therefore, even in light of the Wilkie Memo and reviewing the record holistically, the Board still concluded that, given the totality of the circumstances, your request does not merit relief. In the end, the Board concluded that you received the correct reentry code based on the totality of your overall circumstances, and that such reentry code was in accordance with all DoN directives and policy at the time of your discharge.

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, _____
8/10/2022



Executive Director
Signed by: [REDACTED]