



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 to change your reenlistment code and contentions that you should have received an RE-3J reentry code vice an RE-4. 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 your misconduct, as evidenced by your pre-service drug abuse, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact you failed to disclose it as part of your enlistment process. Ultimately, the Board determined that your conduct makes you unsuitable for future military service. While the Navy had the option to assign you a RE-3J reenlistment code, the Board determined it was within their discretion to assign you a RE-4 reenlistment code based on the circumstances of your case and their determination that you lacked potential for further military service. As a result, the Board concluded your conduct supports your fraudulent enlistment discharge and continues to warrant an RE-4 reentry code. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants a change of your reentry code or granting clemency in the form of changing your reentry code. 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,

10/7/2022

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Executive Director

Signed by: █