



**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: 6304-22  
Ref: Signature Date



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 21 September 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You entered active duty with the Navy on 10 August 2020. On 8 March 2022, you received your first nonjudicial punishment (NJP) for failure to obey a lawful order, riot or breach of peace, and assault. Unfortunately, the documents related to your administrative separation are not in your official military personnel file (OMPF). In this regard, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary (as is the case at present), will presume that they have properly discharged their official duties.

Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Navy, on 24 June 2022, with a General (Under Honorable Conditions) (GEN) characterization of service, your narrative reason for separation is "Misconduct – Serious Offense," your separation code is "JKQ," and your reenlistment code is "RE-4."

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 reentry code from RE-4 to RE-1. 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 NJP, outweighed these mitigating factors. Ultimately, the Board determined that there is insufficient evidence to support your request to change your reenlistment code. Aside from an email address of your former commanding officer (CO) to contact as a reference, you did not submit any evidence to support a finding that your assigned RE code was erroneous or unjust. The Board noted that an RE-4 reentry code is assigned when a CO determines a member is unsuitable for further military service. In your case, since you were discharged for commission of a serious offense, the Board determined the assignment of a RE-4 code is supported by the evidence and appropriate. Therefore, after applying liberal consideration, the Board did not find evidence of an error or injustice that warrants changing your reenlistment code or granting clemency in your case. Accordingly, given the totality of the circumstances, the Board determined that your request does merit relief.

If you believe that your RE code was assigned erroneously and your belief would be supported by the former CO who assigned the code, the Board recommends you obtain a written statement from the former CO to support a reconsideration application. The Board is not an investigative agency and does not have the time or resources to obtain evidence on behalf of petitioners.

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,

10/2/2022

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