



procedures in your case, instead opting to allow you to be discharged for high-year tenure. You were then separated, on 16 March 2020, with an Honorable characterization of service by reason of non-retention on active duty with a reentry code of 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 your reentry code to one which will allow you to reenlist and your contentions that, (1) you were discharged due to high year tenure as a result of being reduced in rank and (2) you had honorable service for the entire period. 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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included a drug offense. The Board determined that illegal drug use by a Sailor is contrary to Navy core values and policy, renders such Sailors unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors. Further, the Board considered that you already received a large measure of clemency when you were allowed to reach the end of your obligated service vice being processed for administrative discharge for your misconduct. Finally, the Board noted an RE-4 reentry code is required when an individual is separated at the expiration of his term of obligated service and is not recommended for reenlistment, as was your case. As a result, the Board concluded your conduct constituted a significant departure from that expected of a Sailor and continues to warrant a RE-4 reentry code. Even in light of the Wilkie Memo and reviewing the record holistically, 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,

10/20/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]