



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

██████████
Docket No: 7103-22
4219-22
Ref: Signature date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,
USN, ██████████

Ref: (a) Title 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149
(2) Case summary
(3) Naval record (excerpts)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting adjustment to the reentry code listed on his Certificate of Release or Discharge from Active Duty (DD Form 214) to allow reenlistment. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 9 November 2022, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies, and reference (b), the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner began a period of active service in the Navy on 5 April 2022. On 27 April 2022, Petitioner tested positive for cocaine as a result of an accession to active duty urinalysis. On 5 May 2004, Petitioner was notified of the initiation of administrative separation proceedings by reason of fraudulent enlistment as evidenced by pre-service drug use. Petitioner waived his right to consult with counsel or submit a written statement for consideration. On 6 May 2022, the separation authority approved and directed Petitioner's discharge with an uncharacterized

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USN, [REDACTED]

character of service by reason of fraudulent enlistment due to drug abuse. On 16 May 2022, Petitioner was so discharge, and issued a RE-4 reentry code.

d. Petitioner previously applied to this Board for an adjustment to his reentry code. He was denied relief on 29 June 2022.

g. Petitioner contends he unknowingly consumed an uncontrolled substance prior to his entry onto active duty. He presented new evidence that reflects his post service conduct as requested by the previous Board's decision dated 29 June 2022. Petitioner provided a character letter and images of his post service employment at a summer camp directly after his discharge from active service.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of reference (b), the Board concludes that Petitioner's request warrants relief. The Board determined Petitioner's misconduct during his service warranted a RE-4 reentry code, and therefore found no error in the reentry code he was issued. Notwithstanding, in light of clemency factors set forth in reference (b), the Board determined that Petitioner's post service conduct mitigated the misconduct he committed. As a result of the foregoing, the Board directed to change Petitioner's reentry code to one that allows him the possibility to rejoin the Armed Forces. Subsequently, the Board determined to issue Petitioner a code that would require a waiver with additional assessment of Petitioner's case by Recruiting commands to allow enlistment.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), to indicate he has a "RE-3J" reenlistment code.

That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

12/4/2022

[REDACTED]
Executive Director
[REDACTED]