



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: 8311-22
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 23 November 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).

You enlisted in the Navy and began a period of active service on 26 December 2000. From the period beginning on 26 December 2001 to 5 February 2002 you were counseled on three occasions regarding your inability to obtain adequate childcare and you were notified continued deficiencies in performance would result in the initiation of administrative separation proceedings. On 22 February 2002, administrative separation proceedings were initiated by reason of convenience of the government due to parenthood. You waived your right to consult with counsel, and a hearing of your case before an administrative discharge board (ADB). Your commanding officer recommended your separation from naval service due to your inability to maintain a suitable family care plan. Subsequently, you were discharged on 5 April 2002, with a General (Under Honorable Conditions) (GEN) character of service by reason of parenthood, or custody of minor children. You were issued a separation code of KDG, and a RE-4 reentry code.

You previously applied to the Naval Discharge Review Board (NDRB) with request to adjust your record. The NDRB upgraded your character of service to Honorable but concluded your reason for separation was proper as issued. On 7 June 2010, you were reissued a new DD Form 214 to reflect NDRB's decision.

The Board carefully considered all potentially mitigating factors in your current petition to determine whether the interests of justice warrant relief in your case including in accordance with the Wilkie Memo. These included, but are not limited to, your desire to change your separation and reentry codes. You contend that your current separation reentry codes are preventing you from gaining employment and treatment for service connected medical issues. For purposes of clemency and equity consideration, the Board noted you provided a personal statement, advocacy letter, and evidence of post-discharge accomplishments.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your failure to maintain family care plan requirements, as evidenced by your multiple counselings, outweighed these mitigating factors. In making this finding, the Board determined that your separation code and reentry code was proper and equitable under standards of law and discipline, and accurately reflects your reason for separation, which was terminated by your discharge. Additionally, absent a material error or injustice, the Board declined to summarily change a discharge or reentry code solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. While the Board considered your desire to obtain employment and medical benefits, 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 separation and reentry codes or granting relief as a matter of clemency or equity. 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 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,

12/27/2022

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Executive Director

Signed by: █