



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

[REDACTED]  
Docket No. 9151-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],  
USNR, [REDACTED]

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149  
(2) Case summary

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 his reentry code and separation code listed on his NAVPERS 1070/613. Enclosures (1) and (2) applies.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 January 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 to include reference (b).

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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Naval Reserves and began a period of duty on 24 May 2005.

d. On 25 May 2006, Petitioner was placed on non-pay status due to his inability to maintain satisfactory drill status. On 1 September 2006, Petitioner was administratively separated from

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the Naval Reserves with a General (Under Honorable Conditions) discharge characterization of service by reason of unsatisfactory participation in the Naval Reserves. Upon his discharge from service, Petitioner was assigned a "JND" separation code and an "RE-4" reentry code.

e. Petitioner is requesting an upgrade to his reentry code and separation code with the intent to rejoin the military. Petitioner contends he had gone to several drill weekends, but was never sent to any form of basic training. Petitioner asserts he was part of a trial training program that would allow him to participate in a two week basic training but was never given an assignment date. Petitioner claims he was left with the responsibility to take care of his own child as his partner was not ready for parenthood. Petitioner states he was young and not aware of any programs that would facilitate assistance for military families and their children. Petitioner claims he spoke with a recruiter at his drill center and was told it would be ok for him to not show up to drill. Petitioner states he was not aware of the long lasting repercussions created by him missing drills.

#### CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants relief. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo.

After thorough review, the Board determined it was within the spirit of the Wilkie Memo to change the Petitioner's reentry code to one that does not prevent him from joining the Armed Forces. While the Board found no error with his originally assigned reentry code, the Board concluded it was in the interests of justice based on the circumstances of his case. Additionally, the Board determined it was also in the interests of justice to made further changes to reflect Petitioner was discharged under "Secretarial Authority" in order to avoid any negative implications associated with his current discharge.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the Sailor's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Ultimately, the Board determined any injustice in Petitioner's record was adequately addressed with the corrective action recommended below.

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

#### RECOMMENDATION:

That Petitioner be issued a NAVPERS 1070/613 reflecting a General (Under Honorable Conditions) characterization of service, "RE-1" reentry code, "Secretarial Authority" narrative

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reason for separation, "JFF" separation code, and "MILPERSMAN 1910-164" separation authority.

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.

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.

1/30/2023

