



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

█
Docket No. 0920-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
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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 with enclosures
(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 that his naval record be corrected by updating his reentry code on his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 13 February 2023, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's 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).

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. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Navy Reserve on 16 April 2009. From 24 June 2009 to 23 May 2010, Petitioner completed an Honorable period of active duty, for which he was issued a Certificate of Release or Discharge from Active duty (DD Form 214). On 15 April 2015 and

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

21 October 2015, Petitioner submitted requests to transfer to the Individual Ready Reserve (IRR). Per Petitioner's enlistment contract, he was liable to complete six years in an active drilling status as a Selected Reservist and the remaining two years in the non-drilling IRR.

c. On 18 November 2015, Petitioner was placed in a Temporarily Not Dental Qualified (TNDQ) status for failing to provide his command with his November and December dental updates. He was also given 30 days to provide the required information. On 2 March 2016, Petitioner was notified of his pending administrative separation by reason of unsatisfactory participation due to medical non-compliance for not updating his medical record information. Further, Petitioner was advised to initial rights and return to his command within 30 days. On 28 April 2016, the separation authority directed Petitioner be discharged with a General (Under Honorable Conditions) (GEN) characterization of service for unsatisfactory participation in the ready reserve. On 29 April 2016, Petitioner was so discharged and assigned a RE-4 reentry code.

d. Petitioner contends he made several attempts to transfer to the IRR to no avail. As such, he is requesting his reentry code be changed from RE-4 (ineligible for reenlistment) to RE-1 (eligible for reenlistment) as he hopes to apply for a naval officer program.

e. Petitioner submitted email correspondence, official military personnel file, and dental documents for consideration.

CONCLUSION:

The Board reviewed Petitioner's application under the guidance provided in reference (b). Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants favorable action in the form of full relief. Specifically, the Board noted Petitioner's documented missing dental information and noted Petitioner was in fact attempting to rectify his status, which resulted in the GEN discharge and RE-4 reentry code. The Board does not condone his failure to comply with this requirement, however, in light of reference (b) and after reviewing the record holistically, given the totality of the circumstances, and as a matter of clemency, the Board concluded Petitioner's narrative reason for separation, separation code, separation authority, and reentry code should be changed.

RECOMMENDATION:

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

Petitioner be issued a NAVPERS 1070/613 indicating, narrative reason for separation as "Secretarial Authority," separation code as "JFF," separation authority as "MILPERSMAN 1910-164," and reentry code as "RE-1."

No further changes be made to Petitioner's record.

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

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.

3/3/2023

[REDACTED]

Executive Director

[REDACTED]