



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

█  
Docket No. 1128-23  
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 27 February 2023. 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 entered active duty with the Navy on 20 July 2020. On 7 August 2020, you received a psychiatric medical evaluation, were diagnosed with an adjustment disorder with depressed mood, and recommended for separation from the Navy. As a result, you were notified of pending administrative separation action by reason of convince of the government (COG) due to a condition not a disability. After electing to waive your rights, your commanding officer (CO) forwarded your package to the separation authority (SA) recommending your discharge by reason of COG with an uncharacterized characterization of service and an RE-4 reentry code. The SA approved the recommendation and, on 1 September 2020, you were discharged with an uncharacterized characterization of service and an RE-4 reentry code.

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 RE-4 reentry code and contentions that you felt your recruiter lied to you, you reacted to losing out on your special warfare contract, and you are currently healthy mentally and physically. For purposes of clemency and equity consideration, the Board noted you provided medical evidence.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined you were appropriately assigned a RE-4 reentry code based on your diagnosed adjustment disorder. In making this finding, the Board determined that an RE-4 reentry code may be assigned when a CO determines a RE-4 reenlistment code is warranted. Despite evidence that you no longer suffer from the adjustment disorder, the Board noted that your adjustment disorder became symptomatic during your active duty service. Therefore, the fact your symptoms decreased upon your release from the military was not persuasive evidence you are now suitable for further military service. As a result, the Board determined your assigned reentry code remains appropriate. While the Board carefully considered the evidence you provided in mitigation, 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 granting you the relief you requested 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,

3/11/2023

