



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

█
Docket No. 1983-23
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 31 March 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active service on 3 July 2007. On 8 November 2007, you received non-judicial punishment (NJP) for your failure to obey a lawful order. On the same day, you were counseled regarding your NJP, and you were notified further misconduct may result in the initiation of administrative separation proceedings. On 15 November 2007, following a medical evaluation, you were diagnosed with an adjustment disorder. The following day, you requested for separation from naval service, explaining in part, that you could not adjust to military life, and you believed your conditions would worsen, leading to continued misconduct. As a result of your physical/behavior condition, not considered a disability, you

were recommended for separation from Naval service. Subsequently, on 28 November 2007, you were discharge with a General (Under Honorable Conditions) character of service by reason of convenience of the government (COG) as a result of a condition not considered a disability.

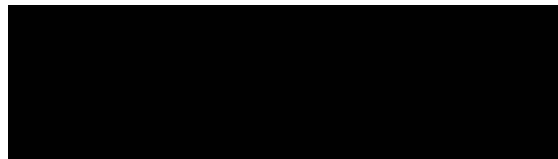
The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your reentry code to allow you to serve in the U.S. Coast Guard Reserves as an Officer. You assert that you have changed since your discharge. For purposes of clemency and equity consideration, the Board noted you did not provide documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that you were properly assigned a RE-4 reentry code based on your diagnosed adjustment disorder and desire to be discharged for fear of committing additional misconduct. In making this finding, the Board noted you failed to provide sufficient evidence, such as medical documentation, which reflect you are not at risk of suffering from an adjustment disorder should you return to military duty. As a result, the Board determined your current reentry code remains appropriate. 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,

4/18/2023



Executive Director