



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. 7668-23
5963-23
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.

Because your application was submitted with new contentions not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel, sitting in executive session on 29 September 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 previously applied to this Board for a change to your reentry code. Your request for relief was denied on 4 August 2023.

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 request to change your reentry code to RE-1, so that you may reenlist into the Navy Nurse Corps without issue. For purposes of clemency and equity consideration, the Board noted you provided a physical qualifications waiver from Commander, Navy Recruiting Command.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concluded you were appropriately assigned a RE-4

reentry code based on your disqualifying medical condition at the time of your discharge. However, the Board noted it is within the authority of the Commander, Navy Recruiting Command to waive your existing reentry code to allow for your entry into the Navy, provided it meets the needs of the Service. Therefore, the Board declined to summarily upgrade your reentry code based on the physical qualifications waiver you provided. Again, the Board encourages you to reapply to the Board should your RE-4 reentry code result in your denial of your application for entry into the Navy. Absent evidence you have been denied entry, the Board concluded insufficient evidence of error or injustice exists with your record. 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,

10/19/2023

