



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

██████████  
Docket No. 9963-23

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, ██████████,  
USN, XXX-XX ██████████

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

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

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to change his reentry code from RE-4 to RE-3. Enclosure (2) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 21 December 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 the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, 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 Navy and began a period of active duty on 10 June 2000. After completing his first continuous period of Honorable service, Petitioner immediately reenlisted on 28 May 2004. Subsequently, Petitioner received non-judicial punishment (NJP), on 14 February 2005, for unauthorized absence (UA), and failure to obey an order or regulation. Eight days later, Petitioner received his second NJP for wrongful use of a controlled substance. Consequently, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse and commission of a serious offense, at which point he waived his

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],  
USN, XXX-XX [REDACTED]

procedural rights. Ultimately, Petitioner was discharged with an Other Than Honorable (OTH) character of service by reason of misconduct due to the commission of a serious offense.

d. Upon his discharge, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) which erroneously failed to annotate his continuous Honorable period of service from 10 June 2000 to 27 May 2004.

e. Petitioner requests to change his reentry code to allow reentry into the Navy. For purposes of clemency and equity consideration, Petitioner provided documentation describing post-service accomplishments.

#### CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's record warrants partial relief. As noted previously, Petitioner's DD Form 214 does not indicate his continuous Honorable period of service from 10 June 2000 to 27 May 2004, and requires correction.

Regarding Petitioner's request to change his reentry code, 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 concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined Petitioner's assigned reentry code remains appropriate. In making this finding, the Board considered the seriousness of Petitioner's misconduct and the fact it involved a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Therefore, 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 Petitioner the relief he requested or granting Petitioner additional relief as a matter of clemency or equity.

#### RECOMMENDATION:

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

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) to indicate his continuous period of Honorable service from 10 June 2000 to 27 May 2004.

No further changes be made to Petitioner's record.

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.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],  
USN, XXX-XX [REDACTED]

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.

1/24/2024

