



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

■  
Docket No. 1048-24  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 February 2024. 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 this Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your service 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 enlisted in the United States Navy and commenced a period of service on 4 March 2003. On 10 March 2003, you were evaluated by Recruit Mental Health, wherein the treating provider noted your frequent loss of temper, irritability, defiance of rules, blaming others for mistakes, and argumentative behavior. Additionally, you reported a history of maladaptive behaviors including inappropriate anger outbursts, coping with stress by physically damaging property, and a fear of lashing out at the recruit training officers. You presented to the Emergency Department based on symptoms of anxiety and reporting self-cutting. You were diagnosed with "Intermittent Explosive Disorder, Borderline, with Passive Aggressive Features."

On 12 March 2003, you were notified that you were being processed for Entry Level Separation (ELS) based on "defective enlistment and induction due to erroneous enlistment as evidence by an oppositional defiant disorder and intermittent explosive disorder." You waived your right to consult with qualified counsel and your right to submit a statement in rebuttal. You were informed that your period of service would be uncharacterized and did not object to the

discharge. On 19 March 2003, you were discharged from the Navy with an ELS uncharacterized period of service and assigned an RE-4 reentry code.

The Board carefully considered all potentially mitigating and/or extenuating 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: (a) your desire to change your reenlistment code, (b) your age and maturity at the time of service, and (c) your assertion that you take full responsibility for your conduct and have matured since your discharge. For purposes of clemency and equity consideration, the Board noted that you did not provide evidence pertaining to your post-service accomplishments or character letters.

After thorough review, the Board concluded the potentially mitigating factors were insufficient to warrant relief. In making this finding, the Board concurred with the Recruit Medical Officer that your diagnosed Intermittent Explosive Disorder was neither incurred during nor exacerbated by your military service. Further, you failed to disclose your history of maladaptive behaviors on your pre-enlistment physical and your separation was based on your undisclosed preservice disqualifying condition.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your RE-4 reentry code remains appropriate based on your unsuitability for further military service. The Board concluded that your assigned reentry code was proper and in compliance with all Department of the Navy and Marine Core directives and policy at the time of your discharge. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board noted that an unfavorable reentry code is, in itself, not a bar to reenlistment. The Board noted that recruiting personnel will be responsible for determining whether you meet the standards for reenlistment and whether or not your reenlistment is feasible given your previous medical/psychiatric history. Additionally, a request for a waiver can be submitted during the processing of a formal application for reenlistment through a recruiter.

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,

2/27/2024

