


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2025-068


SN/E-3 (former)

FINAL DECISION

This proceeding was conducted by the Board for Correction of Military Records of the Coast Guard (hereinafter “Board” or “BCMR”) according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the completed application on March 11, 2025, and assigned the case to a staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).¹

This final decision, dated October 16, 2025, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

INTRODUCTION

The applicant was discharged from the Coast Guard after 23 days of service in December 1999 and was assigned a RE-4 (ineligible) reenlistment code. He has asked the Board to change this to a RE-3 (eligible with waiver) reenlistment code.

SUMMARY OF THE RECORD

The applicant joined the Coast Guard as a Seaman (SN/E-3) on November 30, 1999.² He was discharged 23 days later, on December 22, 1999. His DD Form 214 (Certificate of Release or Discharge From Active Duty) (hereinafter “DD 214”) reflects the following:

¹ The applicant’s personnel files show his full legal name during service was the name listed second, after “formerly,” in the case caption above. According to court records submitted by the applicant, however, his petition to change his legal name to the name listed first in the case caption above was granted in June 2005.

² In his enlistment paperwork, the applicant listed prior service in the Air Force from 1991 to 1992 and the Air National Guard from 1994 to 1996. Although not corroborated by any documentation submitted to the Board, the Board finds no reason to doubt the applicant’s prior service, and the issue is not relevant for purposes of the Board’s decision.

Type of Separation:	Discharged
Character of Service:	Uncharacterized
Separation Authority:	Article 12-B-20 CG PERSMAN
Separation Code:	JGA
Reentry Code:	RE4
Narrative Reason for Separation:	Entry Level Separation

APPLICATION

In his submission to the Board, the applicant asserted that he had failed to adequately prepare himself and was discharged for failing to meet physical standards. He stated that since his discharge, however, he had significantly enhanced his level of fitness and was now considering joining the Coast Guard Auxiliary. In this regard, he stated that he had established contact with a local flotilla that had shown interest in him as a potential member. He then explained that the reason for his application was that he met all of the Auxiliary's criteria with the exception of his RE-4 reentry code.

The applicant argued that based on his JGA separation code, his reentry code should have been assigned as RE-3 per the relevant Coast Guard policy.

With respect to his delay in filing an application, the applicant explained that he had only recently learned of the option to seek correction of his reentry code.

COAST GUARD'S VIEWS

In an April 2025 memorandum, the Coast Guard Personnel Service Center (PSC) initially noted the applicant's assertion that his RE-4 reentry code was preventing him from associating with the Coast Guard Auxiliary. The PSC then recommended that the Board grant relief in this case because "[p]olicy permit[ted] the separation code JGA to be assigned the re-entry code RE-3L [for] 'Entry Level separation, must have waiver to reenlist' or RE-4." The PSC did acknowledge that the application was untimely, and stated that due to the passage of time, no "recruit training records" were available to ascertain why the applicant was assigned a RE-4 instead of RE-3. Ultimately, however, the PSC recommended that relief be granted in the interests of justice.

In a July 2025 memorandum, a Coast Guard Judge Advocate (JA) adopted the facts and analysis provided by the PSC but added a clarification. The JA stated that "[t]he only available Reentry Code ... authorized to be assigned for a separation for entry level performance and conduct with an assigned [separation code] of 'JGA' is 'RE-3L.'" To support this position, the JA cited to the Coast Guard's Separation Program Designator (SPD) Handbook. Because the applicant was not assigned a RE-3 reentry code in accordance with policy, the JA concluded, an error was made, and relief should be granted.

APPLICANT’S RESPONSE

The Board provided the applicant with the Coast Guard’s views on August 12, 2025, and invited him to submit a response within 30 days. He responded by email on August 13, 2025, agreeing with the Coast Guard’s recommendation.

APPLICABLE LAW AND POLICY

The following entry appears on page 64 of the version of the SPD Handbook published in January 1994, which was applicable at the time of the applicant’s discharge:

<u>SPD Code</u>	<u>Narrative Reason</u>	<u>RE Code/Authority/Explanation</u>
JGA	ENTRY LEVEL PERFORMANCE AND CONDUCT	RE-3L 12-B-20 (ENL) Involuntary discharge directed by established directive when member has inability, lack of effort, failure to adapt to military or minor disciplinary infractions during the first 180 days of active military service.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on the applicant’s military record, his submissions, the Coast Guard’s submission, and applicable law and policy:

1. The Board has jurisdiction under 10 U.S.C. § 1552(a), as the applicant is seeking a correction of an alleged error and/or injustice in his military records.
2. The applicant has exhausted all available administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued.
3. The applicant declined a hearing before the Board and requested that his application be considered based on the records and evidence submitted.
4. The Board may “correct any military record . . . when [it] considers it necessary to correct an error or remove an injustice.” 10 U.S.C. § 1552(a)(1).
5. “The Board begins its consideration of each case presuming administrative regularity on the part of the Coast Guard and other Government officials. The Applicant

has the burden of proving the existence of an error or injustice by a preponderance of the evidence.” 33 C.F.R. § 52.24(b).

6. The application is not timely because it was not filed within three years of the applicant’s discovery of the alleged error or injustice, as required by 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22. The applicant’s RE-4 reentry code was assigned in 1999 and the application was not received by the Board until 2025. The Board may excuse the untimeliness of an application if it is in the interests of justice to do so. 10 U.S.C. § 1552(b). In determining whether the interests of justice so require, the Board “analyz[es] both the reasons for the delay and the potential merits of the claim based on a cursory review.” *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

7. In this case, the applicant has explained that he was unaware of the option to request correction of his reentry code until recently. Lack of awareness of the law is generally not sufficient, on its own, to justify a waiver of untimeliness. The Board acknowledges, however, that the applicant’s request is motivated by his desire to provide additional service to the Coast Guard. In addition, upon cursory review of the record, the Board finds the application to have potential merit for the same reasons as were stated by the Coast Guard in its views submitted to the Board. After consideration of these factors, the Board has determined that a waiver of the application’s untimeliness is warranted in the interests of justice. Accordingly, the Board will conduct a full review of the application’s merits.

8. The separation code assigned to the applicant in December 1999 was JGA. The SPD Handbook in effect at the time made clear that this code should be assigned together with a RE-3L reentry code. The Board has also reviewed other relevant Coast Guard policies then in effect – Chapter 12 of the Personnel Manual, COMDTINST M1000.6A (January 1988); the DD 214 Commandant Instruction, COMDTINST M1900.4D (September 1993); and the DD 214 PSC Instruction, CGPSCINST 1900.1 – and finds no provision(s) directing or permitting assignment of a RE-4 reentry code for members receiving an uncharacterized discharge with a JGA separation code.

9. While the available portions of the Official Military Personnel File (OMPF) are somewhat limited, the JGA separation code is consistent with the applicant’s assertion that he was discharged as a result of his failure to meet physical standards prior to 180 days of service. Neither the Coast Guard’s nor the Board’s review of the record reveals any derogatory information or other indication that a RE-4 reentry code was justified or intended based on relevant policies or the applicant’s conduct.

10. In sum, the applicant has asserted that he has improved his physical condition and wishes to provide additional public service by associating with the Coast Guard Auxiliary. The relevant Coast Guard policy indicated that the applicant should have been

assigned a RE-3L reentry code. In the Coast Guard's view, the RE-4 reentry code constituted an error, and relief should be granted.

11. After careful consideration, the Board finds the applicant has carried his burden to rebut the presumption of regularity and establish an error by a preponderance of the evidence. For the foregoing reasons, the Board will direct the Coast Guard to change the applicant's reentry code to RE-3L.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former SN [REDACTED] is granted.

The Coast Guard shall correct the applicant's records to reflect a RE-3L reentry code for his uncharacterized period of service from November 30, 1999, to December 22, 1999.

October 16, 2025

