



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

[REDACTED]
Docket No: 8186-17
APR 05 2019

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, section 1552. After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. Accordingly, 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 for Correction of Naval Records, sitting in executive session, considered your application on 17 December 2018. The names and votes of the members of the panel 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 naval record, and applicable statutes, regulations, and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to its 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 duty on 26 February 2014. According to your evaluation for the period from 17 January 2015 through 10 April 2015, you were a student at [REDACTED] were marked as "Promotable," and received a 3.00 performance mark. Your available record does not contain a copy of your administrative separation package, but, based on your years of service, you were not entitled to appear before an administrative discharge board (ADB), and the least favorable characterization of service you could receive without an ADB was general (under honorable conditions). You were discharged from the Navy on 10 April 2015, on the basis of a Condition, Not a Disability, and you received a general (under honorable conditions) characterization of service and a reentry (RE) code of RE-4.

You request that your RE code be changed to RE-3G or better. You contend that the condition upon which your separation was based—adjustment disorder—was temporary. You claim that you had issues to work out, and poor influences in your life that needed to be eliminated. You also claim that the issues were not solved or even addressed properly by you or your psychologist while serving. You contend that these issues included domestic abuse of your mother, and that you have solved these things yourself after being separated from the Navy.

Your request was reviewed in consideration of your contention that you suffered from a temporary mental health condition that was not properly addressed at the time of your military service. Your request was fully and carefully considered by the Board in light of the Secretary of Defense's memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requested by Veterans Claiming Post Traumatic Stress Disorder," of 3 September 2014 and the "Clarifying Guidance to Military Discharge Review Board and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment" memorandum of 25 August 2017. The Board noted that you indicate that the mental health issues with which you were struggling were impacted by domestic abuse unrelated to your military service. In light of the absence of evidence about your mental health condition, and in consideration of the fact that you received a general discharge, the Board determined that, even under the liberal consideration standard, a correction to your record is not warranted.

The Board, in its review of your entire record and application, carefully weighed all factors relating to your request for a change to your RE code, including your post-service accomplishments as reflected in your annual employment review. The Board considered your contention that you had poor influences during your military service. The Board also noted that you contend you suffered from a temporary condition that you have since resolved. The Board considered that you did not provide any post-service medical information supporting your contention that you no longer suffer from a condition that impacted your success in the military. The Board also noted that the record contains no evidence, and you submitted none, to support your contention regarding poor influences. In the absence of such information, and taking into account the information reflected on your Certificate of Release or Discharge from Active Duty (DD Form 214), the Board concluded that an upgrade to your RE-4 is not appropriate. Moreover, while commendable, your post-service accomplishments as reflected in your annual employment review do not warrant a change in your RE code. Applying the presumption of regularity that applies to the acts of public officials in the absence of contrary evidence, the Board determined that your RE-4 was properly issued and does not constitute an error or injustice that warrants corrective action.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director