



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. 6278-23
Ref: Signature Date

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Dear █

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.

A three-member panel of the Board, sitting in executive session, considered your application on 6 March 2024. 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their 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 requested to update your DD Form 214, Certificate of Release or Discharge from Active Duty to reflect Involuntary Separation Pay (ISP) amount, Reentry Code of RE-1 vice RE-6, and Active Duty Service Date (ADSD) of 11 August 2011. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that in accordance with Chief of Naval Operations Instruction 1900.4A enlisted members separated because of misconduct or unsatisfactory performance are ineligible for ISP. Military Personnel Manual (MILPERSMAN) Article 1160-120 specifies the High Year Tenure gate for E-4 Sailors is 10 years length of service for active duty personnel and MILPERSMAN 1160-030 directs Reentry Code of RE-4 for E-4 and below who have an average of less than 2.0 in any trait during current enlistment on enlisted performance evaluations.

A review of your record reflects you entered active duty on 10 August 2011. On 12 July 2019, you reenlisted for 2 years and subsequently extended for an aggregate of 15 months. You received non-judicial punishment on 18 January 2022 for violation of Uniform Code of Military Justice Article 92-Failure to Obey Order or Regulation-Curfew and Article 113-Drunken or Reckless Operation of a Vehicle, Aircraft or Vessel. You were awarded reduction in rate to Machinist Mate Third Class/E-4, 45-days restriction, and 45 days extra duty. On 29 June 2022, you were issued a Special evaluation for period of report from 16 March 2021 to 18 January 2022 and received an individual trait average of 1.83, promotion recommendation of Significant Problems and was not recommended for retention; you chose not to make a statement. You were discharged on 30 September 2022 and issued a DD Form 214 for active duty service from 2 October 2011 to 30 September 2022; net active service of 10 years, 11 months, and 29 days; Remarks indicated, "Member must Reenlist in the Ready Reserve to Qualify for [ISP]; Separation Code of JBK; Reentry Code of RE-1; and Narrative Reason for Separation-Completion of Required Active Service. On 16 November 2022, Navy Personnel Command (PERS-93) denied your request for enlistment in the Individual Ready Reserve due to "Not recommended for retention or promotable on the last performance evaluation" and "Non-advancement and/or retention eligible at high year tenure due to reduction in rate." On 16 May 2023, you were reissued a DD Form 214 for active duty service from 2 October 2011 to 30 September 2022; net active service of 10 years, 11 months, and 29 days; Remarks indicating, "[ISP]; Separation Payment \$19,031.00;" Separation Code of JGH; Reentry Code of RE-4; and Narrative Reason for Separation-Non-Retention on Active Duty. The Board determined a change to your record is not warranted because you did not meet the eligibility criteria for ISP or Reentry Code of RE-6.

Regarding correcting your ADSD to 11 August 2011 on your DD Form 214, the Board may only correct service records based on errors or injustices and may do so only after other avenues of administrative relief have been exhausted. For assistance with the aforementioned, you may contact My Navy Career Center via phone at (833) 330-6622 or email: asknmcc.fct@navy.mil.

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,

3/22/2024

