



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. 60-24
Ref: Signature Date

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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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 3 April 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 the 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, 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 entered active duty with the Navy on 9 October 1984. On 7 January 1988, you were formerly counseled due to your failure to meet height and weight standards by having a body fat of 29%. As a result, you were placed on the command's weight control program for six months. On 17 February 1988, the medical department registered your body fat as 28%. On 17 March 1988, your body fat registered at 26%. On 15 June 1988 and 12 August 1988, your body fat registered at 31%. As a result, on 12 August 1988, you were again counseled due to your failure to meet height and weight standards. On 4 October 1988, you were formerly counseled on not being eligible for reenlistment and receiving and RE-4 reenlistment code due to your failure to meet height and weight standards. On 8 October 1988, you were released from active duty with an Honorable discharge and an RE-4 reentry code.

The Board carefully considered all potentially mitigating 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, your desire to change your RE-4 reentry code and contentions that your command never assigned you to the fitness enhancement program and you never received proper body measurements from medical. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined you were appropriately assigned a RE-4 reentry code based on your multiple failures to meet height and weight standards. In making this finding, the Board determined that an RE-4 reentry code may be assigned when a commanding officer determines a member is unsuitable for further military service. Further, contrary to your contentions, the record shows you failed to meet the height and weight standards after being assigned to the weight control program by your commanding officer and your body fat percentage was assessed at least four different times by medical personnel. 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 you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

4/22/2024

