



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

█
Docket No. 2901-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF █, █,
USN, XXX-XX-█

Ref: (a) 10 U.S.C. § 1552
(b) MILPERSMAN

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a correction to his naval record, specifically, that his reenlistment code be changed from RE-4 to RE-1. Enclosures (1) and (2) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 6 May 2024 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty service on 16 September 2014.

d. On 23 April 2010, Petitioner received non-judicial punishment, where she was awarded reduction in rank Hospital Corpsman/E-3. Petitioner filed a Navy Inspector General (IG) complaint against her command for alleged reprisal actions against her. She was notified, on 6 August 2020, that her complaint was unsubstantiated and dismissed without further action.

Subj: REVIEW OF NAVAL RECORD OF ██████████, USN, XXX-XX-██████

e. On 15 September 2020, Petitioner was released from active duty due to reaching High Year Tenure (HYT). On 10 October 2020, she was issued a Certificate of Release or Discharge from Active Duty (DD 214) that read Block 26 (Separation Code) "LBK," Block 28 (Narrative Reason for Separation) "Completion of Required Active Service," and Block 27 (Reentry Code) "RE-4."

f. On 15 September 2020, Navy Personnel Command issued a Reserve Denial Letter, which reads, "[w]e have conducted a detailed review of your Involuntary Separation and IRR affiliation eligibility. Unfortunately, you are not eligible for enlistment in the IRR, per references ... and due to ... Non-advancement and/or retention eligible at high year tenure due to reduction in rate."

g. On 23 February 2022, this Board identified administrative errors on Petitioner's DD 214 as part of her first application to this Board. The Board directed that Petitioner be issued a DD 215 modifying Block 26 (Separation Code) "JGH" vice "LBK" and Block 28 (Narrative Reason for Separation) "Non-Retention on Active Duty" vice "Completion of Required Active Service." The Board did not identify an error with the issued reentry and did not direct any changes in that regard.

h. Petitioner alleges she was improperly separated and raised allegations of reprisal as a whistleblower.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief. The Board determined that Petitioner was not recommended for reenlistment after her period of active service due to reaching HYT. Her separation code is listed as JGH, and the Board concluded that the most accurate reentry code based on this code is "RE-6," which indicates that a service member is "ineligible or denied reenlistment due to high year tenure." The Board found that this reentry code is more accurate than the issued "RE-4," which indicates a service member is "ineligible for reenlistment" without further information. The Board highlighted that an RE-1 reentry code, as requested by Petitioner, is not an available option for individuals separated based on "Non-Retention on Active Duty" with a "JGH" separation code. The Board found insufficient evidence that Petitioner was the subject of a whistleblower retaliation action by her command. In making this finding, the Board noted Petitioner did not provide any substantiating evidence of her allegation.

RECOMMENDATION:

In view of the foregoing, the Board finds an error warranting the following corrective action:

That Petitioner's naval record be corrected to show that she was "ineligible or denied reenlistment due to high year tenure" on the date of her discharge from active duty on 15 September 2020. Petitioner shall be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) with a correction to the Reentry Code, Block 27, annotating "RE-6."

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, XXX-XX-[REDACTED]

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/29/2024

