



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

██████████  
Docket No. 3496-24  
Ref: Signature Date

████████████████████  
████████████████████  
████████████████████

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.

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 24 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).

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 enlisted in the U.S. Navy and began a period of active duty on 11 March 1991 and were transferred to the Naval Reserve on 10 March 1993. After completing two periods of Honorable service, you immediately reenlisted and commenced your last period of active duty on 21 February 2002.

In May 2003, you were disqualified from master-at-arms school for not meeting the body composition assessment (BCA). In the fall Physical Fitness Assessment (PFA) cycle of 2004 and 2006 you failed the BCA. It was annotated in your February 2008 evaluation, that you were

being separated from the naval service due to three BCA failures in the past four years. On 16 January 2008, you were issued a page 13 entry that you were ineligible for reenlistment due to your non-retention on active duty/ Ultimately, you were separated at your Expiration of Active Obligated Service (EAOS), on 20 February 2008, with an Honorable (HON) characterization of service, your narrative reason for separation is “Non- Retention on Active Duty,” your separation code is “JGH,” and your reenlistment code is “RE-4.”

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 for an upgrade in your reentry code and contentions that you were not allowed to reenlist because you were overweight due to an undiagnosed condition of diabetes, which was diagnosed after you were discharges. You also assert that you are currently within the standard for reenlisting and have maintained that standard for over two years. For purposes of clemency and equity consideration, the Board noted you did not provide any 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 your assigned reentry code remains appropriate. Service regulations direct the assignment of a RE-4 reentry code when a member does not meet the physical standards for reenlistment. Further, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Finally, the Board noted that your diabetes condition, more likely than not, is disqualifying for accession into the military. 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,

5/10/2024

