



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. 4020-24
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 reconsideration application on 21 June 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 enlisted in the U.S. Navy and began a period of active duty service on 13 February 2001. Your pre-enlistment physical examination, on 10 October 2000, and self-reported medical history both noted no psychiatric or neurologic issues or symptoms. On 31 May 2001, you reported for duty on board the █ in █.

On 6 August 2003, you commenced a period of unauthorized absence (UA). On 12 September 2003 your command declared you to be a deserter. Your UA terminated on 24 October 2003.

On 15 January 2004, your command issued you a "Page 13" retention warning (Page 13) for wrongfully viewing material of a sexually explicit nature on the █ Local Area Network (LAN). You expressly acknowledged that you were subject to administrative or disciplinary action for future violations of LAN policy.

Your command subsequently notified you of administrative separation proceedings by reason of misconduct. Information in your service record indicated that your command processed your separation using “notification procedures,” which meant the least favorable discharge characterization you could receive was General (Under Honorable Conditions) (GEN). On 29 December 2004, your command issued you a Page 13 where you acknowledged that you were not eligible to reenlist and were being assigned an RE-4 reenlistment code due to misconduct. The same day, your command entered a second Page 13 in your service record noting the following:

Per findings of CAPTAINS MAST, ██████████, USN, was discharged this date with the following information on issued DD Form 214:

Blk 23: Discharged
Blk 24: General Under Honorable Condition
Blk 25: MILPERSMAN 1910-142
Blk 26: JKQ
Blk 27: RE-4
Blk 28: Misconduct

Ultimately, on 29 December 2004, you were discharged from the Navy for misconduct with a GEN characterization of service and were assigned an RE-4 reentry code.

On 25 February 2010, the Naval Discharge Review Board (NDRB) denied your initial application for relief. The NDRB determined your discharge was proper as issued and no change was warranted.

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 a discharge upgrade and change to your reentry code. You contend that: (a) while serving in the military, your family issues and stress were a huge factor in you joining and leaving the military, (b) you were seventeen (17) when you joined without your father’s permission and was the cause of your family separation, (c) you wish your circumstances were better as you saw a future in the Navy, (d) while on active duty you were always worried about what your father would do to your family, (e) you’ve grown and experienced things to make you stronger, (f) you wanted to succeed in the military as you have succeeded in civilian life, (g) you have matured and want to show your kids and maybe start a military legacy, (h) it’s been over twenty (20) years and you have taken care of yourself physically, and your mental and emotional state are stronger due to your past experiences, (i) you still believe that you have the ability and capability of serving your country, and (j) you have prepared yourself to lead by example in a positive way where being in the military can make your family be proud of you and leave a legacy behind that they can follow if they want to. For purposes of clemency and equity consideration, the Board considered the entirety of the evidence you provided in support of your application.

