



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

██████████
Docket No. 10991-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 10 February 2025. 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, applicable statutes, regulations, and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) 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 Navy and began a period of active duty on 23 September 1998. On 25 July 1999, you received an Evaluation Report and Counseling Record which described your overall performance as inconsistent. Further, the report indicated that you were counselled several times for tardiness, grooming, failure to meet uniform standards, and failure to obey orders. Additionally, the report indicated that you failed command inspection and that you lacked initiative. On 27 June 2001, you received nonjudicial punishment (NJP) for unspecified misconduct. On 13 March 2002, you requested and early separation from active duty. On 15 April 2002, the separation authority approved your request for early separation with an Honorable discharge characterization of service by reason of reduction in force. The separation

authority directed you receive a reentry code based on your record. On 14 June 2002, you were so discharged and assigned a 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 reentry code and contentions that: (a) you were offered three choices when you left but you choose to leave and signed a paper with an Honorable characterization and an RE-1 reentry code, (b) you arrived at your reserves unit and noticed that the paper reflected an RE-4 reentry code, (c) you served your country with pride and never treat anyone bad, (d) your old supervisor did not like you and wanted to put you down, (e) when he tried to abuse his power, the XO told him he cannot do that. Additionally, you checked the "Other Mental Health" box on your application but chose not to respond to the Board's request for supporting evidence of your claim. For purposes of clemency consideration, the Board considered the totality of your application, which consisted solely of what you stated on your DD Form 149 without any additional documentation for the Board's consideration.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your reentry code remains appropriate. In making this finding, the Board noted you failed to provide sufficient evidence to support your contention that you were assigned a RE-1 reentry code. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found no error or injustice in your record and determined, based on the record, you were issued the appropriate reentry code due primarily to your record of misconduct and documented poor performance.

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 the 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,

3/11/2025

