



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 to indicate you are eligible for reenlistment and your contentions that you received one NJP while in service, your reentry code was reprisal from your Division Officer who thought you deserved a Bad Conduct Discharge, and you did not know about requesting an upgrade earlier because you are currently incarcerated. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and copies from your military service record you provided in support of your application.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact your repeated misconduct had on the good order and discipline of your commands. The Board opined that the misconduct that you committed while in service, including communicating a threat and assault consummated by a battery, was substantial and, more likely than not, would have resulted in a punitive discharge and/or extensive punishment at a court-martial or could have been the basis for administrative separation for misconduct – commission of a serious offense with a least favorable characterization of Under Other Than Honorable Conditions. Therefore, the Board determined that you already received a large measure of clemency when you were permitted to complete your obligated service and were issued an Honorable discharge certificate. Additionally, there is no precedent within this Board’s review, for minimizing the “one-time” isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. However, the Board noted your record of misconduct included four NJPs at three different commands, and three of those NJPs included assault charges. Therefore, the Board was not persuaded by your argument that you made only one mistake and suffered reprisal from your Division Officer.

Finally, the Board considered your argument that you deserve a reenlistment eligible reentry code based on your enlisted performance record entries that annotate your final performance average of 3.56 and list you as “Eligible For Reenlistment.” First, the Board determined your final performance average was not dispositive of whether you should be eligible for reenlistment. Rather, the Board determined your overall record, which includes your performance average, and your potential for further useful service are the factors to be considered. Second, the Board was not persuaded by the “Eligible For Reenlistment” entry since it was inconsistent with your record of misconduct that included a NJP six months prior to your discharge. Ultimately, after considering your record of misconduct that included multiple disrespect and violence related offenses, the Board determined the “Eligible For Reenlistment” entry was an administrative error and also not dispositive of whether your reentry code is appropriate.

After careful consideration of your record, the Board concluded your in-service conduct continues to warrant a reentry code of RE-4. 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,

11/24/2025

