



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 6229-25
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 11 March 2026. The names and votes of the members of the panel 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 this 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.

The Board carefully considered your request to change your reentry code so you can qualify to serve in the Marine Corps Reserves. You contend that you served in the Marines for 12.5 years without a pattern of misconduct, your Official Military Personnel File (OMPF) reflects a single adverse action for which you received non-judicial punishment (NJP), and that the charges underlying your NJP were ultimately dismissed by the ██████████ Court.

The Board, however, found that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting the relief requested. Upon careful review of your OMPF, and the materials you provided in support of your application, the Board found you were properly assigned an RE-04 reentry code from the Marine Corps, in accordance with the Performance Evaluation System (PES) Manual. Specifically, as documented in your OMPF, you were issued a Page 11 counseling entry on 3 June 2020, informing you that you were disapproved for reenlistment in the Marine Corps because you failed to demonstrate the high standards of leadership, professional competence, and personal behavior required to maintain the prestige and quality standards of the Marine Corps. You were additionally informed you had been assigned a reentry code of RE-04. Both you and your Commanding Officer (CO) signed this counseling

entry, and you were afforded an opportunity to make a statement in response, which you declined. Furthermore, although you contend your military record reflects only a single adverse action (the NJP), the Board opined a single adverse action is sufficient to justify your CO's decision to assign you a reenlistment code of RE-04. Moreover, although you offer that [REDACTED] dismissed the charge underlying your NJP, the Board found this information irrelevant as, pursuant to the PES Manual, it is immaterial whether charges are dismissed from a civilian court's records since that action does not necessarily change the character of your misconduct or neither does it invalidate the NJP. The Board further noted, although [REDACTED] dismissed the charge against you, it was not for lack of evidence but because you complied with a diversion program that allowed you to avoid conviction by completing conditions established by the court. The Board opined, this manner of dismissal, although sparing you from a civilian conviction, did not exonerate you of the underlying misconduct. Lastly, although in your application you state you served "without a pattern of misconduct," as previously stated, more than one instance of misconduct is not required to warrant an unfavorable reentry code. Furthermore, you were not separated due to a pattern of misconduct, but rather, because you were disapproved for reenlistment for the reasons already stated. Accordingly, given the totality of the circumstances, the Board determined 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,

3/27/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]