



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

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Docket No. 8312-25  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 10 February 2026. 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.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the U.S. Navy and began a period of active duty on 10 September 2013. After a period of continuous Honorable service, you immediately reenlisted on 26 May 2019 and commenced another period of active duty.
2. Based on your record, you failed the CY2023 and CY2024 physical fitness assessment for body composition assessment (BCA). In your performance evaluation for the period of 16 November 2023 to 15 November 2024, it annotates you did not make significant progress towards passing your BCA. Therefore, you were not recommended for retention, and you elected not to submit a statement.

3. On 18 December 2024, you refused to sign an administrative remarks regarding being placed on involuntary extension due to criminal proceedings/legal investigation which would put you beyond your normal EAOS for six months in order to complete the legal investigation.

4. On 27 June 2025, you failed the BCA for PFA Cycle 1-25 with a weight of 265 pounds<sup>1</sup>. In your performance evaluation for the period of 16 November 2024 to 25 July 2025, it annotates your BCA failure and, again, stated you did not make significant progress towards passing it. You were again not recommended for retention and you elected to submit a statement. In your rebuttal statement, you questioned the non-recommendation for retention and pointed out that Navy policy allows commanders discretion in PFA failure cases by requiring a holistic review approach. You believed that the policy was not properly applied and your BCA failure was disproportionately weighed in your performance evaluation despite your otherwise stellar performance and the fact you passed the other portions of the PFA.

5. On 25 July 2025, you were discharged at the completion of your required active service with an Honorable characterization of service and a RE-4 reentry code.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately recommended for non-retention and assigned a reentry code of RE-4. While the Board carefully considered your contention for mitigation, the Board noted you did not deny failing the BCA on multiple occasions. Therefore, the Board determined the presumption of regularity applies to the finding that you were out of Navy weight standards for the required number of PFA cycles and no error exists with your assigned reentry code.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your contentions, the totality of your service, the negative effect your discharge has had on your life, and your claim of unfair treatment.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board determined your reentry code remains appropriate.

The Board noted that you failed to maintain weight control standards over a period between 2023 and 2025, and you were not recommended for retention based on your commanding officer's assessment of your suitability for further military service. The Board considered the length of time you were afforded to get within standards and noted you did not make significant progress toward passing the BCA despite receiving an adverse performance evaluation approximately nine months prior to reaching your end of obligated active service. Based on these factors, the Board found no injustice with your commanding officer's decision to not recommend you for retention and assign you an RE-4 reentry code. While the Board carefully considered your years of Honorable and otherwise stellar performance in the Navy, the fact you were approximately 74

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<sup>1</sup> The maximum weight for your height was 191 pounds.

pounds over the maximum weight limit led the Board to find no injustice exists with your case. In fact, the Board found that your command, instead of repriming against you, actually allowed you ample time to achieve Navy weigh standards and had little choice in the matter based on your failure to make significant progress.

Finally, the Board found no error on your DD Form 214 in Block 20 and Block 23a, as service regulations allow such designations and does not invalidate the DD Form 214. The Board was also not persuaded by the evidence you presented that any injustice exists with the DD Form 214.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thus determined there was insufficient evidence to conclude you were the victim of reprisal in violation of 10 USC § 1034. 10 USC § 1034 provides the right to request Secretary of War review of cases with substantiated reprisal allegations where the Secretary of the Navy's follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with DoW policy you have the right to request review of the Secretary of the Navy's decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the Secretary of the Navy acted arbitrarily, capriciously, or contrary to law. This is not a de novo review and under 10 USC § 1034(c) the Secretary of Defense cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of War for Personnel and Readiness (USD (P&R)), Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your BCNR application and final decisional documents; and a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the BCNR; therefore, please also include previously presented documentation that supports your statements.

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,

3/4/2026

