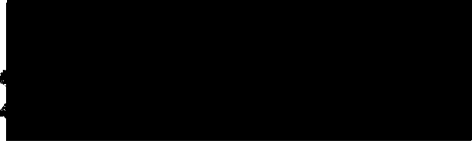




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 01161-03
8 September 2003



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 August 2003. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 1 April 2003 and the Memorandum for the Record dated 21 August 2003, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,



Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
Pers-911C
01 Apr 03

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED]

Encl: (1) BCNR memo 5420 Pers-00ZCB of 13 Mar 03

1. Enclosure (1) is returned with the following comments and recommendations concerning [REDACTED]'s request for an opportunity to take an Oath of Office and receive a Reserve Commission.
2. [REDACTED] a former Naval Officer, is requesting an appointment in the Naval Reserve. We recommend that his petition for a BCNR directed appointment be denied based on the following information. In his petition he states that he requested a Naval Reserve appointment in his resignation letter. A Naval Reserve appointment was subsequently mailed on 22 July 1998 to Training Squadron [REDACTED] in [REDACTED] but was never returned. Mr. [REDACTED] states that his separation orders directed acceptance of the appointment because he had not completed his service obligation. Upon his separation, [REDACTED] had completed 8 years, 8 months and 4 days of military service, which exceeds the 8 years military service obligation required by law.
3. Although he was separated in November 1998, [REDACTED] didn't express an interest in the Naval Reserve until February 2003. Had he taken any initiative to obtain a commission within three years of separation, one would have been tendered, provided he met all other standards. Because he waited so long before applying for appointment, however, he was correctly informed that he must meet current recruiting quota needs, in order to pursue appointment via a Direct Commission Officer Program. We urge him to visit a local Naval Reserve recruiter to further explore this option.
4. If you have further questions concerning this matter, please contact [REDACTED]

[REDACTED]
Deputy Director,
Naval Reserve Personnel
Administration Division

HD:hd
Docket No. 01161-03
21 August 2003

MEMORANDUM FOR THE RECORD

Subj: M [REDACTED]

1. This memorandum for the record is to document a phone conversation between this staff member and the subject name individual.
2. M [REDACTED] indicated to me that he had nothing further to offer and that I should take his case to the Board as is.

[REDACTED]