



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

DJC  
Docket No. NR2484-14  
3 Feb 15

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 February 2015. 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.

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. MILPERSMAN 1050-272, dated 2 August 2007, states the following about Post-Mobilization Respite Absence: "Creditable mobilization time is cumulative, within the rolling 72-month window, and the 1:5-year ratio for Reserve members is retroactive for calculation purposes to 7 October 2001. Actual accrual of administrative absence days, however, is restricted to those members mobilized on or after 19 January 2007." From January 2002 to December 2005, you accrued 34 months of creditable time, but earned no administrative absence days. From June 2009 to June 2010, you accrued 4 days of Post-Mobilization Respite Absence per month for 13 months for a total of 52 days. In accordance with your Certificate of Release or Discharge from Active Duty (DD Form 214), you were credited with 52 days, which you took prior to being released from active duty and transferred to the Naval Reserve.

With regard to your request for modify your orders, in accordance with NAVADMIN 235/08 (Navy Reserve Component Individual Augmentation (IA) mobilization business rules), dated 25 August 2008, "All sailors who are mobilized in support of GWOT assignments will be issued involuntary orders pursuant to title 10, U.S. Code, section 12302 authority." Furthermore, "for members who volunteer to mobilize in their dwell time, NPC requires a copy of the signed volunteer

acknowledgment form before generation of Involuntary Title 10, U.S. Code, section 12302 Mobilization Orders." Nevertheless, no evidence was provided to indicate that a modification to your orders was requested. Regardless, the authority to place in an involuntary status a member who volunteers from a mobilization does not exist in law. 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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,



ROBERT J. O'NEILL  
Executive Director