



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

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Docket No: 2910-21
Ref: Signature Date

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Dear █

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 January 2022. 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).

On 11 September 2004, your request for enlistment in the US Naval Reserves was approved. Subsequently, you agreed to be a member of the ready reserve until 25 June 2006, to preform 48 drills, and to participate in 12-14 days of active duty annually. On 15 July 2005, you signed an immediate reenlistment contract in the USNR for a period of 6 years. From the period beginning from August 2005 to September 2006, you accrued 8 authorized absences. On 19 August 2006, you were notified of the initiation of administrative separation proceedings due to unsatisfactory participation, at which point, you failed to acknowledge your separation notification, thus waiving your procedural rights. On 29 September 2006, your commanding officer (CO) recommended your administrative separation by reason of unsatisfactory participation. On the same day, you were discharged with an honorable characterization of service by reason of unsatisfactory participation in the ready. You were issued an RE-4 reentry code and JHJ separation code.

The Board carefully considered all potentially mitigating factors to determine whether the

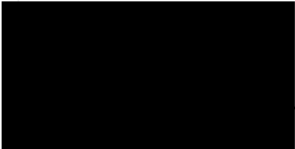


interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your separation code, and your reenlistment code, and your contentions that: (a) you were in the Army Reserve during the period in which you were assumed to be in the USNR; (b) you were unaware of your reentry code and separation code from your term of service in the USNR and you did not disclose this information during your top-secret clearance processing; and (c) the FBI states you were "less than honest" in your secret clearance application. The Board reviewed the evidence you provided with your application. The Board noted the mailing address listed on the NGB 22 you provided with your application, and the Naval Reserve Termination Notification found in your service record both list the following address: [REDACTED]. Based on the foregoing, the Board determined the USNR made sufficient attempt to inform you of your unsatisfactory participation in the ready reserve to the correct mailing address. The Board noted you knowingly reenlisted in the USNR on 15 July 2005, and you were sufficiently informed of your service obligation. The Board did not find evidence of an error or injustice that warrants adjustment to your reentry code, nor your separation code. The Board determined you failed to complete your six-year obligation in the USNR. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary will presume that they have properly discharged their official duties. 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,

2/3/2022



Executive Director

Signed by: [REDACTED]