



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

█  
Docket No. 3133-21  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 7 October 2021. 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. In addition, the Board considered the advisory opinion contained in Navy Personnel Command memorandum 5730 PERS-91 of 23 June 2021.

You requested to be awarded four additional points for each year to be eligible for retirement or alternatively, be allowed to complete 18-months of Reserve duty to qualify for retirement. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that Bureau of Naval Personnel Instruction 1001.39F outlines the criteria for satisfactory participation. Specifically, the policy notes that members are responsible for ensuring that they accrue at least 50 points each anniversary years to obtain a qualifying year toward retirement. A review of your record indicates you were released from active duty on 22 July 1989 after completing 4-years of active duty service. Thereafter, you transferred to the Navy Reserve and served from 23 July 1989 through 22 July 1992. However, for anniversary years ending 22 July 1990, 22 July 1991 and 22 July 1992, you failed to earn the 50-point minimum required to earn qualifying years of service prior to your discharge from the Navy Reserve. Subsequently, you enlisted in the Navy Reserve on 15 May 2008, appointed to Ensign/O-1 in the Navy Reserve on 26 September 2009 and continued to serve until your discharge on 1 August 2020. The Board determined members bear the responsibility of their careers and therefore, you should have been aware of your

participation and qualifying years of service. In this connection, the Board did not agree with the comments contained in the advisory opinion.

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.

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,

11/4/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]