



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

█
Docket No. 5884-21
Ref: Signature Date

█
█
█

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 14 December 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 letter 5730 PERS 91 of 18 October 2021; a copy of which was previously provided to you for comment.

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 requested to update your statement of service to include completion of over 15 days of active duty training, satisfactory year and crediting of retirement points for anniversary year 2 April 1965 through 1 April 1966. Additionally, you requested credit for completion of correspondence courses from 11 October 1991 through 3 October 1997. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that Title 10 U.S.C. § 12731 requires a member to earn 20 qualifying/satisfactory years of service for a non-regular retirement as computed under Title 10 U.S.C. § 12732. The Board could not find, nor did you provide

evidence to substantiate your aforementioned requests. A review of your record indicates you served in the Navy Reserve from 2 April 1964 through 22 May 1966. On 23 May 1966, you entered active duty and discharged on 5 June 1980. Subsequently you enlisted in the Navy Reserve on 11 October 1987. Naval Reserve Personnel Center issued you a notification on 16 July 1997 informing you of your impending expiration of enlistment and the 60 to 90 days processing time if you wanted to reenlist in the Individual Ready Reserve. Conversely, the fax cover sheet you provided is dated 25 September 1997; eight days prior to your 3 October 1997 expiration of obligated service. At the time of your 3 October 1997 discharge; you earned 19 years, 2 months, and 4 days of qualifying/satisfactory years of service, thereby ineligible for a Reserve retirement.

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,

1/31/2022

█
Deputy Director
█