



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: 6286-21
Ref: Signature Date

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Dear Petitioner:

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 17 November 2021. 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).

You enlisted in the Navy Reserve on 27 March 2008. During the period from June 2008 to March 2009, you accumulated 10 unexcused absence from scheduled drills. On 10 April 2009, your commanding officer (CO) notified you of non-compliance, which could result in administrative separation. On 15 April 2009, your CO notified you by certificated mail of his intention to recommend that you be separated from the Navy Reserve due to failure to participate in scheduled drills. You failed to return the acknowledgement resulting in you waiving your rights. On 21 May 2009, your CO forwarded your package to the separation authority (SA) recommending your discharge due to unsatisfactory participation, with a general under honorable conditions characterization of service and an RE-4 reenlistment code. The SA approved the recommendation, and on 23 June 2009, you were so discharged.

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 reenlistment code and contentions that your RE-4 reenlistment code was too harsh and you never received the proper uniforms while you were pregnant.

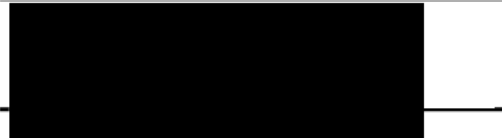
The Board noted that your punishment was a direct result of your actions, which resulted in your failure to attend 10 scheduled drills. The Board also noted that there is no evidence in your record, and you submitted none, to support your contention that you never received the proper uniforms while you were pregnant.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your failure to attend scheduled drills and failure to provide substantial documentation to support your contentions, outweighed these mitigating factors. 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

11/30/2021

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Executive Director

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