



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

██████████
Docket No. 7831-21
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 28 July 2002. 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.

On 17 April 2001, you enlisted for 8 years in the U.S. Naval Reserve with an Expiration of Obligated Service (EOS) of 16 April 2009. On 26 April 2001, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 25 April 2005. On 30 April 2001, you signed a Montgomery GI Bill Act of 1984 (DD Form 2366) enrolling in the program.

You were released from active duty and transferred to the Naval Reserve with Honorable character of service and were issued a DD Form 214 for the period of 26 April 2001 to 25 April 2005 upon completion of required active service.

On 31 July 2007, you affiliated this date under the provisions of the RESCORE-R program to incur a minimum of 48 months of obligated service, in the permanent rate of DCFN, and the temporary rate of EOCN. You were assigned to NR NMCB ██████████ in a drill pay status. Furthermore, you were guaranteed an "A" school and were required to attend within 12 months of enlistment/affiliation. Finally, you were paid a \$10,000 bonus and there is no evidence that it ever recouped.

On 5 October 2007, you signed an agreement to extend enlistment for 16 months with a new contract expiration date of 16 August 2010. No promises of any kind have been made to you except as indicated: "SELRES BONUS."

On 10 June 2008, COMNAVPERSCOM notified NAVOPSPTCEN Discharge Petitioner within 5 working days of receipt of this message with a General (Under honorable conditions) character of service due to unsatisfactory participation in the Ready Reserve. Furthermore, recoup any unearned bonus paid and collect all existing indebtedness.

On 13 March 2009, Commanding Officer, Navy Operational Support Center, ██████████ notified BCNR that you requested 6 months of authorized absences to start November 2007 and end April 2008 due to finding employment in ██████████. You received an approval letter in October 2007 from your drilling unit. However, the 6 months of authorized absences were incorrectly documented on the muster sheets starting in September 2007. You were subsequently considered to be in an unauthorized absence status in March 2008 because of the incorrect musters. You were also in a medically indeterminate status, but were unaware of this status due to not receiving the official correspondence advising you of the fact. The correspondence was returned as undelivered. Request that administrative separation be overturned, RE-4 code be removed from your record, and that you be reinstated to a drilling status in the Ready Reserve.

On 3 April 2009, Navy Personnel Command notified BCNR that in their opinion, there has been an injustice or error in your process, and your petition warrants relief. Upon an approved finding from BCNR, NOSC ██████████ will be directed to contact the NSIPS help desk to reinstate you. You should be given Authorized Absences for all drills you missed while erroneously separated. They further recommend that PERS-312 remove all adverse material related to your administrative separation from your official military personnel record.

On 15 April 2009, BCNR letter CRS Docket No: 3629-09 was published and approved the following: That you were not discharged on 16 April 2008. That all information pertaining to the discharge be removed from your record. That you be given authorized absences for the drills you missed during the period 16 April 2008 to the date of implementation of this action.

On 5 December 2020, Commander, Naval Personnel Command administratively reissued Record of Discharge from the U.S. Navy Reserve (Inactive) (NAVPERS 1070/615). Effective 16 April 2009, you were honorably discharged.

You requested reinstatement of education benefits and a Selected Reserve Bonus, and pay for drills conducted while you were in Iraq. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions that when you signed up for the reserves, you were supposed to receive a 10-year extension on your GI Bill and a \$25,000 bonus. However, the Board concluded that on your Agreement to Extend Enlistment, signed on 5 October 2007, there is no mention of an extension for the GI Bill. In accordance with the Montgomery GI Bill Act of 1984 (MGIB), you were fully eligible for the MGIB at the time you were released from active duty on 25 April 2005 because you had Honorably served 36 months of active duty. Furthermore, you must use the MGIB within 10 years of release/discharge from active duty or completion of active duty. The Board noted that

the erroneous discharge from the Navy Reserve that was subsequently rescinded [Docket #3629-09] had no impact on your ability to use your MGIB education benefits from the time of your release from active duty on 25 April 2005 through the delimiting date 10 years later. Regarding your request for a Selected Reserve Bonus, the Board concluded that your Agreement to extend Enlistment, signed on 5 October 2007, does mention that you were promised a SELRES bonus. However, there is no evidence in your Official Military Personnel File (OMPF) or case file, which shows the amount of the bonus, only the conditions under which it would be paid. The Board found that you did not meet all the conditions of the agreement. You did not complete the obligated service to August 2010. Furthermore, there is no evidence in your OMPF that you attended "A" school within 12 months of executing your contract, as required on Administrative Remarks (NAVPERS 1070/613) of 31 July 2007. Under those circumstances, the Bonus could have been recouped; however, your records indicate that as of 22 December 2021, no portion of the \$10,000 bonus you received on 31 July 2007 has been recouped. Finally, there is no evidence in your OMPF, nor did you provide any, that you participated in drills while you were in █.

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, _____

8/9/2022

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Deputy Director

Signed by: █