



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

█
Docket No. 7997-21
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 17 May 2022. 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 by Navy Personnel Command letter 5730 PERS-91 of 11 April 2022 which was previously provided to you for comment.

You requested correction of your point capture sheet to include 546 points for the period of 13 January 2004 through 1 August 2005. 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 in accordance with Bureau of Naval Personnel Instruction 1001.39F, a maximum of 90 inactive points may be earned per anniversary year after 30 October 2000. A maximum of two inactive retirement points may be awarded in one calendar day for any activity or combination of activities. No more than one point for any day may be awarded in which the member is in an active status on active duty, including annual training, active duty for training, initial active duty for training, mobilization, recall or active duty for special work.

A review of your record indicates you were released from active duty and transferred to the drilling Navy Reserve on 23 January 2004 to await disposition of your physical evaluation board (PEB). Subsequent to returning to a drilling status, you completed 20 inactive duty training

periods from December 2004 through April 2005 and received the associated retirement point credit. On 21 June 2005, the PEB found you unfit and directed separation. You transferred to the Retired Reserve without pay effective 1 August 2005. The Board could not find, nor did you provide evidence of completing any other drills or correspondence courses warranting being awarded additional points. Moreover, the Board noted the 90 inactive point maximum outlined in the aforementioned policy, thereby rendering you ineligible to earn 546 points for the period of 13 January 2004 through 1 August 2005. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

6/2/2022

█

Deputy Director

Signed by: █