



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: 0705-22
Ref: Signature Date



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 4 March 2022. 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 United States Navy Reserve (USNR) and began a period of service on 30 August 2002. From the period beginning on February 2003 to April 2004, you accrued 12 unauthorized absences. On 5 June 2003, you were notified of the initiation of administrative separation proceedings due to unsatisfactory participation, at which point, you failed to acknowledge your separation notification, thus waiving your procedural rights. On 26 September 2003, your commanding officer (CO) recommended your administrative separation with a general character of service by reason of unsatisfactory participation. On 7 October 2003, the separation authority approved and directed your discharge. On 8 October 2003, you were discharged with a general characterization of service by reason of unsatisfactory participation in the ready, and issued an RE-4 reentry code.

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 for adjustment to your service and your contentions that: (a) you were told not to participate in inactive duty training (IDT) after you informed your command of consuming an antidepressant prescribed to you by a physician; (b) you were unaware separation proceedings were initiated following the disclosure of your use of the aforementioned antidepressant; and (c) you should have been able to resume reserve training, you have never been diagnosed with a mental condition, and 20 years have passed since your discharge. The Board reviewed the evidence you provided with your application. The Board noted that you did not list a specific request to the Board, and you failed to provide evidence to support your contentions, specifically that you were directed by your command to not attend IDT. The record reflects 12 unexcused absences from February 2003 to April 2003. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary will presume that they have properly discharged their official duties. 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,

3/23/2022



Executive Director

