



**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. 988-22  
Ref: Signature Date

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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.

A three-member panel of the Board, sitting in executive session, considered your application on 18 August 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 contained in Commander, Navy Personnel Command letter 5730 PERS-91 of 22 April 2022 and your response to the opinion.

BUPERSINST 1001.39F published on 17 September 2007, Transfers to/from the Individual Ready Reserve (IRR). All service members separating from Active Duty or Selected Reserve (SELRES) and subsequently transferred to the Active Status Pool (ASP) shall be counseled on their continued military status and their obligations while in the ASP prior to their release. Counseling shall be documented in the members' permanent military service records as a NAVPERS 1070/613 entry (see figure 3-1). Additionally, those active component personnel transferring to the IRR shall pre-register via Navy Knowledge Online (NKO) IRR Community of Practice prior to release from Active Duty.

ASP members O4 and below, with the exception of officers who wish to rejoin via the Navy Reserve Command and Senior Officer Non-Command Billet Screening and Assignment Board (APPLY) process, who desire to transfer to a pay, drilling status must contact their local recruiter to affiliate with a SELRES unit.

On 10 May 2013, you enlisted for 8 years in the U.S. Naval Reserve with an Expiration of Obligated Service (EOS) of 9 May 2021. Furthermore, you signed a New Accession Training (NAT) Program Enlistment Guarantee (NAVCRUIT 1133/52) Annex A. You acknowledged that you were enlisting into the U.S. Navy Reserve for a period of 8 years, 6 of which would be in an active drilling status as a Selected Reservist and the remaining 2 years in the non-drilling IRR.

You were released from active duty with an Honorable character of service and you were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 3 February 2014 to 10 September 2014 upon completion of required active service.

On 12 March 2017, you participated in a Physical Readiness Test (PRT) and you received an Outstanding (Low).

On 24 August 2017, the █ notified Commanding Officer, █ that this letter will certify that you have been called to serve as a missionary for █ in the █. You will begin missionary service on or about December 13, 2017, subject to the military unit's approval. Furthermore, your address for the next 18 months will be: █  
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On 10 December 2017, you received 2 points for your last drill. On 12 December 2017, you were transferred to the IRR █. On 9 May 2018, you completed your last satisfactory year with 59 points for a total of 5 years of qualifying service.

On 15 October 2018, █ Healthcare notified To Whom It May Concern that you were a healthy 23-year-old female with a history of spontaneous pneumothorax. You are status post video-assisted thoracotomy and pleurodesis resolving the pneumothorax and has been healthy ever since. You have no physical limitations of any kind. You are not more likely to have a repeat spontaneous pneumothorax and future risks are minimal. Similar to the general population. Would recommend full activity in the military. No accommodations are necessary.

On 9 May 2021, you were honorably discharged from the U.S. Naval Reserve after completing your 8-year obligation.

On 18 May 2022, █ Medical Group notified To Whom It May Concern that you █ were seen virtually by them on 10 January 2022. There is no current neurologic contraindication to her return to work without restriction. She reports significant improvement of frequent migraine attacks after stopping butalbital, acetaminophen, caffeine, a combination migraine treatment with significant potential for rebound headaches.

On 31 May 2022, █ (Former Leading Chief Petty Officer of the Navy Reserve Naval Information Operations Command █) notified To Whom It May Concern that as a part of your immediate Chain of Command, he was aware of your request and, along with other members of the Chain of Command, supported you in this request. It was anticipated by the █ Leadership that you would request to move the two

years of IRR service in your obligation with the United States Navy Reserves from the end of your eight-year obligation, to the middle. At the completion of your religious missionary service, it was assumed that you would re-affiliate with the ██████████ to complete the remaining active obligation of your contract. He did advise you that although your intention was to re-affiliate with the Navy Reserves on your return, there was no guarantee that it would happen. As per Navy Instructions BUPERSINST 1001.39F CH-1 chapter 3 par. 305, “ASP members O-4 and below, who desire to transfer to a pay, drilling status must contact their local recruiter to affiliate with a SELRES unit.” He first became aware that things related to your temporary transition did not go as planned in the early months of 2018. He reached out to you to complete an Annual Training (AT) waiver for the year because you were still showing on the ██████████ Personnel Roster and were therefore at risk of having an unsatisfactory participation for that year. He advised you that they were aware that your transition to IRR was not made “effective immediately” in December as indicated by the emails from the Navy Operational Support Center (NOSC) ██████████ Executive Officer. When he communicated the error to NOSC ██████████ Petty Officer F in the Manpower Department had indicated that transition to the IRR would automatically occur after six months of Authorized Absences (AAs). The incorrect muster report was corrected to reflect AAs to ensure her transition would be effective. He assumed your transfer to IRR wasn’t completed as was originally communicated by NOSC ██████████ and PERS in December of 2017. He also assumed that based on PO F’s emails you were Administratively Separated from the Navy Reserve in accordance with Unsatisfactory Drill Participation and not in accordance to the initial IRR request. Finally, he recommend you for re-affiliation and/or retention in the United States Navy Reserve.

On 6 June 2022, Revere Health Gastroenterology notified To Whom It May Concern that you were seen on 6 May 2022 and have been a patient since 4 September 2020. At the time they began treating you, you had a history of IBS listed in your chart, however, they did not find your symptoms to be consistent with that diagnosis. Your symptoms were consistent with postprandial distress syndrome, which is easily treatable. After beginning treatment in October 2020, you responded excellently. Your symptoms of nausea have decreased significantly. Abdominal pain and appetite changes have completely resolved. Your condition has been properly treated and poses no limiting factors to your participation in the Navy whatsoever.

You requested to recreate your service record, and correct the record to reflect returning to the SELRES vice IRR upon completion of religious faith group requirements with pay and allowances lost during the period not authorized to return to SELRES. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that but for the erroneous processing/counseling received, you would not have elected to transition to the IRR when you did. However, the Board concluded that in accordance with the statement provided by ██████████, “I did advise Petty Officer ██████████ that although her intention was to re-affiliate with the Navy Reserves on her return, there was no guarantee that it would happen. As per Navy Instructions BUPERSINST 1001.39F CH-1 chapter 3 par. 305, ‘ASP members O4 and below, who desire to transfer to a pay, drilling status must contact their local recruiter to affiliate with a SELRES unit.’” Per your statement, you signed a Page 13 Administrative Remarks containing a Statement of Understanding for your transfer to the Individual Ready Reserve. Therefore, although the Navy failed to affect your transfer to the IRR in a timely manner, your status in the IRR was voluntary and appropriate. If

you desire to transfer to a pay, drilling status, you must contact your local recruiter to affiliate with a SELRES unit, per BUPERSINST 1001.39F. Finally, the Board determined that the Service has the authority to deny you reentry into SELRES status if it determines you do not meet the physical requirements. 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,

9/8/2022

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