



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

█  
Docket No. 1982-22  
Ref: Signature Date

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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.

A three-member panel of the Board, sitting in executive session, considered your application on 21 September 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 also considered the advisory opinion by Commanding Officer, Navy Pay and Personnel Support Center letter 5400 of 12 July 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 15 August 2001, you enlisted in the U.S. Naval Reserve for 8 years with an Expiration of Obligated Service (EOS) of 14 August 2009.

On 4 September 2001, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 3 September 2005.

You were discharged with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 4 September 2001 to 3 September 2009 due to completion of required active service. You completed 8 years.

On 10 December 2009, you reenlisted in the U.S. Naval Reserve for 3 years with an End of Current Contract of 9 December 2012.

On 4 November 2012, you reenlisted in the U.S. Naval Reserve for 6 years with an End of Current Contract of 3 November 2018.

You were released from active duty and transferred to the Naval Reserve with an honorable character of service and were issued a DD Form 214 for the period of 26 September 2014 to 4 November 2014 due to completion of required active service. You completed 1 month and 9 days.

On 12 May 2015, you reenlisted in the U.S. Navy for 4 years with an EAOS of 11 May 2019.

On 15 March 2018, you reenlisted in the U.S. Navy for 3 years with an EAOS and Soft End of Active Obligated Service (SEAOS) of 14 January 2022.

In accordance with BUPERSINST 1900.8E published on 27 August 2018, RE-2, Ineligible for reenlistment due to one of the following: the member transferred to the Fleet Reserve; member retired (not to include Temporary Disability Retired List (TDRL)); or member received an officer commission or advanced to warrant officer.

In accordance with MILPERSMAN 1830-040 published on 9 September 2020, Enlisted Service members who have completed 20 years of active duty service may request to be transferred to the Fleet Reserve, at their request per 10 U.S.C. §8330. Active service is defined as all active duty and active duty for training performed subsequent to 9 August 1956 in the Army, Navy, Air Force, Marine Corps, Coast Guard, or any Reserve Component thereof and all active duty, and active duty for training performed subsequent to 9 August 1956 in the Army National Guard or Air National Guard on Federal duty.

On 5 November 2021, █ created an Administrative Remarks (NAVPERS 1070/613) stating that you had been counseled on the implications of returning your approved CWAY quota.

Having been approved to reenlist in-rate through Career Navigator (CNAV), per COMNAVPERSCOM on file, you certify that: you no longer desire to reenlist and requested that the reservation quota be returned to the Enlisted Community Manager. You understood that removal of your CWAY quota will nullify your reenlistment eligibility. You further understood that this decision is irrevocable and that you will be separated from active duty at your expiration of active obligated service (EAOS). However, it was not signed either by you or your command career counselor.

You were discharged with an honorable character of service and were issued a DD Form 214 for the period of 12 May 2015 to 14 January 2022 due to completion of required active service. You completed 6 years, 8 months, and 3 days.

You requested to change your reenlistment code from RE-1 to RE-2 and to be issued a retired identification card (ID). 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 RE-2 is defined as ineligible for reenlistment due to one of the following: the member transferred to the Fleet Reserve; member retired (not to include TDRL)); or member received an officer commission or advanced to warrant officer. You were not transferred to the Fleet Reserve because you did not complete at least 20 years of active service, therefore, you are not eligible for a retired ID card or to change the RE code to RE-2 on your DD Form 214. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board found that contrary to the NAVPERS 1070/613 created by your command, in which you stated you no longer desired to reenlist and requested that the reservation quota be returned to the Enlisted Community Manager, there is no evidence in your OMPF that confirms an approved C-Way in the system for 2021. The Board also noted that after a review of your Statement of Service, you did complete 20 years of qualifying service towards a Reserve retirement, therefore, the Board recommends that you submit a new DD Form 149 requesting transfer to the Retired Reserve awaiting pay at age 60.

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,

10/24/2022

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Deputy Director

Signed by: █