



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

█
Docket No. 4438-22
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 8 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 considered the advisory opinion by Commander, Navy Personnel Command letter 5730 PERS-91 of 19 July 2022, and your response to the opinion.

On 14 April 1997, you enlisted for 8 years in the U.S. Naval Reserve with an expiration of obligated service of 13 April 2005.

You were issued an inactive Periodic Evaluation Report & Counseling Record (NAVPERS 1616/26) for the period of 14 April 1997 to 15 June 1997 listing no Annual Training (AT) for this period. You were issued an inactive Detachment of Individual NAVPERS 1616/26 for the period of 16 June 1997 to 31 July 1997 listing FY-97 AT waived. You were issued an inactive Periodic NAVPERS 1616/26 for the period of 1 August 1997 to 15 December 1997 listing no AT for this period. You were issued an inactive Periodic NAVPERS 1616/26 for the period of 16 December 1997 to 15 June 1998 listing an AT period of 27 April 1998 to 8 May 1998. You were issued an inactive Periodic NAVPERS 1616/26 for the period of 16 June 1998 to 15 June 1999 listing an AT period of 24 May 1999 to 4 June 1999. You were issued an inactive Periodic NAVPERS 1616/26 for the period of 16 June 2001 to 15 June 2002 listing an AT/Active Duty Training (ADT) period of 1 October 2001 to 12 October 2001. You were issued an inactive Periodic NAVPERS 1616/26 for the period of 16 June 2002 to 15 June 2003 listing no AT for

this period. You were issued an inactive Periodic NAVPERS 1616/26 for the period of 16 June 2003 to 15 June 2004 listing no AT for this period.

On 12 April 2005, you signed an Administrative Remarks (NAVPERS 1070/613) agreeing to extend enlistment for 24 months with an end of contract of 13 April 2007.

You were issued an inactive Periodic NAVPERS 1616/26 for the period of 1 October 2004 to 15 June 2005 listing no AT for this period.

On 13 April 2007, you were honorably discharged from the U.S. Naval Reserve.

You requested to have your record reflect that you participated and completed ADT annually for 10 years. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You stated that AT was a mandatory requirement to remain in good standing and that you completed AT, (two weeks a year) every year from 1997 thru 2007. However, the Board concluded that NAVPERS 1616/26 for the period of 16 June 1997 to 31 July 1997 listed FY-97 AT waived. Furthermore, there is no evidence you participated in ADT during the anniversary year periods 14 April 2002 through 13 April 2003 and 14 April 2004 through 13 April 2005. Therefore, no updates are possible for those years. 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,

9/22/2022

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Deputy Director
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