



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

█  
Docket No: 4565-22  
Ref: Signature Date

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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 7 September 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).

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.

You enlisted in the Naval Reserves and completed your required active period of service from 24 September 2009 to 1 March 2010. Subsequently, you were transferred to inactive duty. On 1 February 2013, you signed and acknowledged satisfactory participations requirements expected of you as a Sailor in the Naval Reserves. On 18 April 2013, you were notified of administrative separation proceedings due to accruing nine unexcused absences. Your commanding officer recommended your separation with a General (Under Honorable Conditions) character of service as a result of unsatisfactory participation with was approved by

the separation authority. On 5 August 2013, you were so discharged and issued a 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 your desire to change your reentry code and contentions that you were unaware of your unauthorized absences and you were discharged as a result of conditional release. You provided a cropped image of a US Army ID card which the Board noted had an issue and expiration date within May 2013. Additionally you submitted an incomplete request for conditional release (DD Form 368) from the Naval Reserve. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In making this finding, the Board questioned the legitimacy of your contentions based on the evidence you provided. Further, the Board noted you were counseled regarding the requirements for maintaining satisfactory participation in the Naval Reserves. Finally, the Board considered you were properly notified of your administrative separation processing via certified mail. As a result, the Board concluded significant negative aspects of your service outweighed the positive aspects and continues to warrant a RE-4 reentry code. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants changing your reentry code or granting clemency in your case. 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,

9/28/2022

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Executive Director

Signed by: █