

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 5032-22 Ref: Signature Date



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.

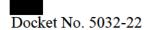
A three-member panel of the Board, sitting in executive session, considered your application on 20 September 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures 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.

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 3 September 1993 you enlisted in the U.S. Marine Corps Reserve for 8 years with an expiration of obligated service (EOS) of 2 September 2001. On 19 October 1993, you entered active duty for 4 years with an end of current contract of 18 October 1997.

You were released from active duty 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 19 October 1993 to 18 October 1997 upon completion of required active service. Furthermore, it listed a reserve obligation termination date of 2 September 2001.

Upon your separation from active duty, you were issued an Armed Forces of the U.S. Geneva conventions identification card with an expiration date of 18 October 2001.



You were issued a Chronological Record (NAVMC 118 (3)) which listed that on 2 September 2001 you were honorably discharged.

You requested to change your reserve status from 2 September 2001 to 18 October 2001. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that your ID card shows your end of reserve status as 18 October 2001. However, the Board concluded that the expiration date of an identification card does not always match the EOS. Furthermore, your enlistment/reenlistment document lists your enlistment on 3 September 1993 for an 8 year obligation which would have ended on 2 September 2001, and you were issued a DD Form 214 upon your discharge from active duty listing 2 September 2001 in block 6 (Reserve Obligation Termination Date). Finally, no evidence could be found nor was any provided to show any extension or reenlistment past your EOS that would warrant a change to your record.

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.

