

DEPARTMENT OF THE NAVY

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

> Docket No. 5551-22 Ref: Signature Date

Dear :

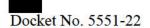
This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 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.

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.

In accordance with BUPERSINST 1001.39F, published on 17 September 2007, members of the USNR-R are in an active status. The USNR-R is composed of the Selected Reserve (SELRES) and the Individual Ready Reserve (IRR). Members who drill for pay are in the SELRES. Members not assigned to a pay billet are in the IRR. Members in the IRR either participate in a Voluntary Training Unit (VTU) or are assigned to the Active Status Pool (ASP).

On 30 November 2010 you enlisted for 8 years in the Naval Reserve with an expiration of obligated service of 29 November 2018. On 7 December 2010, you signed an administrative Remarks (NAVPERS 1070/613) due to changes in your school guarantee "A" school convening date. Your program changed from NAT-HM to NAT-RP and \$5,000. Active duty date changed from 17 April 2011 to 9 December 2010.



On 9 December 2010, your DD Form 1966/3, blocks 34b and 34c listed change to 32a (Specific option/program enlisted for, military skill, or assignment to a geographical area guarantees): New accession training Religious Program Specialist, _______, EBSR \$5000 guaranteed.

On 12 May 2011, you received Non-Judicial Punishment for violation of Uniform Code of Military Justice Article 86. Punishment awarded was forfeiture of \$342.00 for 1 month, and restriction/extra duties for 14 days.

You were released from active duty and transferred to the Naval Reserve 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 11 December 2010 to 10 June 2011 upon completion of required active service.

On 29 November 2019, you were honorably discharged from the Naval Reserve (Inactive) and had been attached to ACT STAT POOL since 11 June 2011.

You requested to change your DD Form 214 and service record to reflect that you were enlisted as active duty vice USNR. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that you never had the chance to serve on the active drilling side of things due to the error of processing at IIMEF discharging you into the IRR. However, the Board concluded that on 11 June 2011 you were released from active duty and transferred to the Naval Reserve. Although your history of assignments lists you were in the ASP since 11 June 2011, the Board couldn't find documentation placing you in the ASP. Furthermore, because there is no evidence of an active duty contract and your entire enlistment was in the USNR, the Board cannot justify changing your service record to reflect active duty vice USNR.

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.

