



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



Docket No: 5665-22  
Ref: Signature Date



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 26 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.

On 23 January 2019, you enlisted in the U.S. Navy Reserve. On 29 January 2019, administrative you acknowledged the requirements and responsibilities of several topics including those of the selected reserve service. From 6 March 2019 to 17 September 2019, you completed your initial period of training and were released to the Ready Reserves. During the next 12 months, you accrued at least nine unexcused absences from scheduled drills. As a result, on 12 November

2020, you were notified, via certified mail, of your pending administrative separation by reason of unsatisfactory drill participation in the ready reserves. After you failed to respond, on 22 December 2020, your commanding officer recommended your separation for unsatisfactory participation in the Ready Reserves with a General (Under Honorable Conditions) (GEN) characterization of service. On 20 January 2021, the separation authority directed your discharged with a GEN characterization for unsatisfactory participation in the Ready Reserve. Subsequently, you were so discharged.

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 to, your desire to upgrade your discharge, change your separation code, change your reason for separation, and reentry code. You contend you have a desire to return to service following your administrative separation from the Reserve Force due to unsatisfactory participation during the global COVID-19 pandemic. 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. Specifically, the Board determined your misconduct, as evidence by your unsatisfactory performance in the Ready Reserve, outweighed these mitigating factors. In making this finding, the Board considered the likely negative effect your conduct had on the good order and discipline of the command. Further, the Board noted you provided no evidence to support relief including no explanation of your failure to meet your Navy Reserve enlistment obligations. As a result, the Board concluded significant negative aspects of your service outweigh the positive aspects and continues to warrant a GEN characterization. Your narrative reason for separation, separation code, and reentry code remain appropriate based on your record of service. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants changing your record 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,

10/14/2022

