



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

█  
Docket No. 9028-22  
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 7 March 2023. 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 (AO) by the Commander, Navy Recruiting Command letter 1133 Ser N35 of 31 January 2023. Although you were provided an opportunity to respond to the AO, you chose not to do so.

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 26 April 1980, you enlisted in the U.S. Naval Reserve for 6 years. Between 30 June 1980 and 1 June 1992, you served multiple periods of active duty resulting in several Honorable discharges. Ultimately, you were discharged honorably due to voluntary discharge for early release program SSB. On 1 June 1995 you were issued a Record of Discharge from the U.S. Navy Reserve (Inactive) (NAVPERS 1070/615) as an EM1/E-6.

You subsequently entered the U.S. Army Reserve. You were discharged with an Honorable character of service and issued a DD Form 214 for the period of 5 July 1998 to 31 May 2000 due to Disability, Severance Pay.

On 20 August 2008, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as an Lieutenant Junior Grade with a Permanent grade date/Present grade date of 1 September 2007 and a designator code of 4100 (Chaplain Corps Direct Appointment). You entered active duty on 30 August 2008.

On 5 February 2013 you received Non-Judicial Punishment (NJP) for violation of Uniform Code of Military Justice (UCMJ) Article 112a. You were awarded a punitive letter of reprimand after admitting in a statement that you were battling a marijuana addiction since 2008.

On 5 March 2013, Commander, Naval Surface Force Atlantic recommend that you be detached for cause and be separated as a probationary officer. In your response statement, you expressed regret for making some poor decisions that are not in keeping with the expectations of a naval officer and Chaplain. However, you felt confident that you could continue to contribute to the mission of the Navy, and requested that you not be detached for cause or separated from the U.S. Navy.

On 25 July 2013, you were ordered detached for cause by Commander, Navy Personnel Command.

After you submitted a qualified resignation request, on 11 February 2014, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) approved your resignation from the Navy and directed the assignment of a General (Under Honorable Conditions) characterization of service based on your misconduct.

On 7 June 2022, Commander, Navy Personnel Command notified you that your request for retired pay was not approved. 10 USC section 12731 delineates the qualification for retired pay at age 60. Primary among them is affiliation with the Navy Reserves. Since you did not affiliate with the Navy Reserves following your resignation from active service, your application was filed without action.

You previously applied to the Board on two separate occasions. On 22 March 2022, this Board denied your request to be placed on the “non-regular” retired list. Later, on 2 August 2022, this Board denied your request to be transferred to the Retired Reserve.

In your current application, you requested to be affiliated with a reserve unit for the purpose of being transferred to the retired reserve as an enlisted member. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded the evidence does not support relief. In making this finding, the Board considered that you resigned your commission upon notification of administrative processing for misconduct and you did not seek to affiliate with the Navy Reserves after your resignation from active service. The Board determined that in your case, a Reserve affiliation would have required that your request be forwarded to Navy Personnel Command for adjudication. Furthermore, the Board agreed with the AO that it is highly unlikely you would have been approved to affiliate with the Navy Reserve based on your prior service history of misconduct. As a result, the Board found insufficient evidence of error or injustice to

warrant a change to your record. 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,

3/27/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]