



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

██████████
Docket No. 9540-22
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.

A three-member panel of the Board, sitting in executive session, considered your application on 25 January 2023. 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).

You enlisted in the Navy Reserve and completed an honorable period of active service for training from 18 May 2015 to 26 February 2016. On 26 February 2016, you signed and acknowledged your satisfactory participation requirement and you were transferred to the individual ready reserve (IRR) on 27 February 2016. The record reflects you failed to attend drill beginning on September 2019. As a result of your absences, administrative separation proceedings were initiated due to your unsatisfactory participation. You failed to acknowledge your notification for separation and, therefore, waived your procedural rights. Your commanding officer recommended your separation from naval service due your accumulation of nine unauthorized absences and noted that you failed to respond to phone calls, and provide an updated mailing address. On 17 June 2020, the separation authority approved and directed your separation with a General (Under Honorable Conditions) character of service by reason of unsatisfactory participation. On 18 June 2020, 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 change your reentry code and contentions that your assigned reentry code was a result of discrimination, you were experiencing personal and financial hardships during your enlistment, you requested alternate drilling dates to seek religious counseling but your chain of command denied your request, your lack of understanding led you to believe that your only option was not to attend drill, you now realize you had other options, you were not made aware of your separation, and you are now ready to rejoin the fleet. For purposes of clemency and equity consideration, the Board noted you provided an advocacy letter that described post-service accomplishments.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your unexcused absences from drills, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for your military obligations. Additionally, the Board noted that you did not provide any evidence in support of your allegations of unfair treatment or other contentions. As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant a RE-4 reentry code. While the Board carefully considered the evidence you submitted in mitigation, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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,

2/17/2023

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Executive Director

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