



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

█
Docket No. 6136-23
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER APPLICANT █, USNR, XXX-XX-█

Ref: (a) 10 U.S.C. § 1552
(b) MILPERSMAN

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, a former applicant of the Navy, filed enclosure (1) with this Board requesting a correction to his naval record, specifically, that the NAVPERS 1070/615 Record of Discharge from the U.S. Naval Reserve be removed from his record. Enclosures (1) and (2) apply.
2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 4 August 2023 and, pursuant to its regulations, determined the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.
 - c. On 31 July 2003, Petitioner signed an Enlistment/Reenlistment Document for the Armed Forces of the United States (DD Form 4, Jan 2001).
 - d. Due to a variety of circumstances, the enlistment contract was never acted upon by the Government or the Petitioner. Petitioner never received orders to recruit training and never ended up serving in the military.

Subj: REVIEW OF NAVAL RECORD OF FORMER APPLICANT [REDACTED],
USNR, XXX-XX-[REDACTED]

e. Despite the fact that the Petitioner did not serve in the military, a NAVPERS 1070/615 Record of Discharge from the U.S. Naval Reserve, dated 11 January 2004, was added to his record in error. This document incorrectly states that Petitioner's "Type of Discharge" was "Dishonorable" and cites "MILPERSMAN 1910-104" (completion of required active service) as the separation authority.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief. The Board determined there is no evidence in the Petitioner record indicating that he served in the Naval Reserves or in any way acted upon the initial enlistment, which was no fault on his part nor due to misconduct. The Board concluded that the NAVPERS 1070/615 Record of Discharge from the U.S. Naval Reserve, dated 4 January 2011, was issued in error and should be removed from Petitioner's record.

RECOMMENDATION:

In view of the foregoing, the Board finds an error warranting the following corrective action:

That Petitioner's naval record be corrected to remove the NAVPERS 1070/615 Record of Discharge from the U.S. Naval Reserve dated 11 January 2004.

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

9/21/2023

