

## DEPARTMENT OF THE NAVY

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

> Docket No. 0141-24 Ref: Signature Date



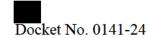
## Dear Petitioner:

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 submitted within the statute of limitations, the Board found it in the interest of justice to review your request. A three-member panel of the Board, sitting in executive session, considered your application on 22 January 2024. 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 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 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 United States Navy Reserves and commenced an eight year contracted period of reserve service on 26 February 2001. After your initial training pipeline, you were assigned to Navy Reserve, for the remainder of your contract. On 16 December 2004, you were notified via certified mail that you were being processed for administrative separation by reason of "Unsatisfactory Participation in the Ready Reserve." Your Commanding Officer (CO) recommended your separation due to the accumulation of 16 unexcused absences. The CO also noted that you failed to pay a Government Travel Credit Card debt incurred over 180 days prior. On 16 February 2005, you were discharged from the Navy Reserves based on "Unsatisfactory Participation in the Ready Reserves" with a General (Under Honorable Conditions) (GEN) characterization of service and assigned an RE-4 reentry code.

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 for a change in your service status and your contention that you were recalled to active duty "for about seven months" in response to the contingency operation declared by President Bush and assigned to the Emergency Department at the \_\_\_\_\_\_\_\_\_. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation of your contention.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your record lacks any evidence to support your contention that you were recalled to active duty. The Board thoroughly reviewed your record, to include your history of assignments and evaluations, but nothing in the service record indicates a period of recalled active duty service. The NAVPERS1070/605 (History of Assignments) indicates that you were assigned to provide the provide assignment or activation to the active component. There is a gap in your evaluations from 16 July 2001 to 16 June 2002, which makes it impossible to determine your assigned command, duties, or reporting senior. Without substantiating documentation, to include specific dates of active service, the Board determined insufficient evidence of error or injustice exists in 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 supporting evidence, as described above, which will require you to complete and submit a new DD Form 149. Supporting evidence (i.e. new matters) are those not previously presented to or considered by the Board. The Board highlighted that evaluations, orders, or additional administrative documentation covering that period would aid them in determining if relief is warranted. 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.

