



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 100
ARLINGTON, VA 22204-2490

SJN
Docket No: 9074-13
10 December 2014

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

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 for Correction of Naval Records, sitting in executive session, considered your application on 2 December 2014. 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, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 1 December 1955. You served over three years and were released from active duty at the expiration of your obligated service on 23 March 1959. At that time, you were transferred to the Navy reserve with a reserve obligation until 30 November 1961, as annotated in block #18 of your Armed Forces of the United States Report of Transfer of Discharge (DD Form 214). On 14 November 1962, you received an honorable discharge at the expiration of your enlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service and desire to have your inactive time in the Navy Reserve included as time served on active duty. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your discharge date. In this regard, you were not performing on active duty as an enlisted Sailor in accordance with Navy regulations when you were transferred to your reserve unit. In other words, reserve time is not considered to be active duty service. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director