



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

[REDACTED]  
Docket No: 4424-16

MAY 22 2017

[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 25 April 2017. 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.

You reenlisted in the Navy Reserve on 22 March 2006. Based on the information currently contained in your records, you were involuntarily processed for separation due to unsatisfactory performance in the Ready Reserve. The record shows that on 18 March 2009, it was directed that you receive a general discharge for unsatisfactory participation, a separation code of JHJ, and a reentry code of RE-4.


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. The Board, carefully weighed all potentially mitigating factors, such as your desire upgrade your discharge and contention that your admin separation recommendation was on the incorrect form. However, the Board found that these factors were not sufficient to warrant upgrading your discharge given your unsatisfactory performance and refusal to abide by Naval Reserve regulations. In regard to your contention, the Board concluded that although your separation recommendation contained a clerical error, it does not negate the fact that you failed to abide by Naval Reserve regulations. The Board also noted that the record indicates that on 13 January 2009, a notification procedure letter was mailed to you by certified mail informing you that you were to be administratively separated.

  
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Your Commanding Officer did not receive a response within 30 days which lead to you being administratively separated in absentia. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously 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,



Executive Director