



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

Docket No. 300-17
DEC 13 2017

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 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 13 November 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, relevant portions of your naval record and applicable statutes, regulations and policies.

You enlisted in the United States Navy Reserves on 23 August 2004 and had satisfactory participation until 2005. You were marked absent without authorization for the following drill weekends, each counting for four drill periods: September 2005, March 2006, August 2006. Notice of administrative processing based on Military Personnel Manual (MILPERSMAN), Section 1910-158, Unsatisfactory Participation in the Ready Reserves, was sent to you on 12 October 2006 via certified mail. On 10 January 2007, you were discharged from United States Navy Reserves with a General characterization of service for "Unsatisfactory Participation in the Ready Reserves" and a reentry code of RE-4.

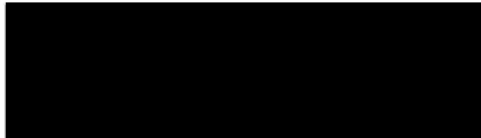
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Per MILPERSMAN 1910-158, an enlisted service member may be separated for "Unsatisfactory Participation in the Ready Reserves" when it is determined that the service member is unqualified for further military service due to the member's failure to drill the required number of annual drill periods without authorization for their absence. After 8 missed drill periods, the service member can be notified of administrative separation processing. You were provided notice that administrative separation processing was initiated due to your non-

participation in the reserves (12 missed drill periods). There is no evidence in the record to show that you attempted to respond to the separation notice, or that you tried to contact your command to inform them of the circumstances which prevented you from performing your drills. The Board considered your assertion that you were advised by your chief to receive authorized absences (AA) for your drill periods until you completed your Licensed Practical Nursing school. However, by your own admission, you waited to be contacted by your reserve unit to complete the paperwork to request AA status and did not attend required drills in the interim. Further, the Board felt that it was your responsibility to reach a member of your command regarding this issue. You claim that you were unable to get in touch with your superiors until January 2007; however, that was more than a year since your initial UA drill.

MILPERSMAN, Section 1160-030, dictates that members reenlisting in the Navy Reserves must be recommended by the member's commanding officer for reenlistment. An RE-4 reentry code is assigned when a member is not recommended for reenlistment by their commanding officer, as in your case. Finally, there is no provision of law or in Navy regulation that allows for a change to an assigned reentry code due solely to the passage of time. 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