



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

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Docket No. 553-24
Ref: Signature Date

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Dear █

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.

A three-member panel of the Board, sitting in executive session, considered your application on 22 August 2024. 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. In addition, the Board considered the advisory opinion by the Commander Navy Reserve Forces Command, Deputy Chief of Staff (Operations) letter 5420 Ser N3/423 of 9 July 2024, which was previously provided to you for comment.

You were released from active duty for training (ADT) with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 8 June 2023 to 29 September 2023 upon completion of required active service.

On 3 October 2023, Navy Reserve Order Writing System (NROWS) Application Request disapproved. Comments: The orders must be > 140 days in a single geographic location to be permanent change of station (PCS). If they are not, justification must be provided to explain why the orders are marked PCS (e.g., command ultimately intends to extend the orders once funding becomes available, or a successive order is planned for where the cumulative duty will be =140 days). N33 insists on this justification to guard against inadvertent PCS orders that would preclude a member from being able to use Defense Travel System and receive per diem.

On 10 October 2023, █ notified you to add the justification in your remarks and reroute.

On 25 October 2023, NROWS Application Request approved. Comments: PCS or Over 139 Days Approved: Approved. Command intends to keep member on orders more than 139 days.

On 26 October 2023, you were issued Ordered to PCS (NROWS/5522403/0 SDN: N0072R24SP01040) Commander, Navy Reserve Force Orders you to Report for ADT Special to the Commanding Officer, Office of the Chief of Naval Operations (OPNAV), 2000 Navy Pentagon, Washington, DC 203502000 no later than 0800 On 14 Nov 2023 for duty with OPNAV, UIC: 00011. Period of duty: 14 November 2023 to 31 December 2023 for 48 days.

On 22 April 2024, Petitioner's Reporting Senior certified a Fitness Report and Counseling Record for the period of 9 March 2023 to 30 April 2024. Block 41 (Comments on Performance) lists: DEMOB 09Mar23-26May23, ADT-OPNAV 08Jun23-30Sep23, AT-OPNAV 16Oct23-13Nov23, ADT-OPNAV 14Nov23-31Dec23.

You requested that your ADT NROWS orders for the period of duty 14 November 2023 to 31 December 2023 be extended to 4 February 2024, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you were the initial author of these orders and the documentation you provided shows that you and the command intended for the duration to be for one year once funding became available, however OPNAV never wrote follow on orders. In accordance with Joint Travel Regulations (JTR), travel authorizations and orders cannot be retroactively modified to increase or decrease an allowance after the travel is completed. A travel authorization or order may be retroactively corrected to show the original intent. Modifying your orders would create an entitlement to per diem, which is not in accordance with the JTR. Furthermore, your orders already reflect the original intent, therefore a modification is not warranted. Finally, your fitness report does not list any periods of ADT after 31 December 2023, therefore the Board determined that it is not appropriate to credit you with active duty that you did not perform. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

8/24/2024

