



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. 3592-24
Ref: Signature Date

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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 filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 April 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 the 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.

During the enlistment process you acknowledged the requirement to participate in 48 scheduled drills and not less than 14 days of annual training per year for eight years upon completion of initial active duty training. You enlisted in the U.S. Navy Reserve and commenced active duty on 15 June 1977. You completed your obligated period of active duty on 4 June 1980 and were transferred to your Reserve unit.

After your transfer to reserve status, you were placed on CAT I status due to a wrist injury. On 27 March 1982, you were removed from CAT I and found to be fit for full duty and return to drill and pay status. You were discharged at your expiration of obligated service on 2 May 1983, with an Honorable discharge, with a recommendation for reenlistment. There is not evidence you returned to active duty status between 5 June 1980 and 2 May 1983.

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 to your DD Form 214 to reflect your

entire Navy service and contentions that your DD Form 214 erroneously reflects you were discharged from the inactive reserve. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your DD Form 214 is correct. In their review, the Board did not find any evidence where you were in an active duty status after your release from active duty in 1980. The Board noted that the purpose of the DD Form 214 is to document periods of active duty service and your drilling Reserve period does not qualify for documentation on your DD Form 214. Further, the Board found no evidence that your DD Form 214 reflects you were on the inactive reserve during your period of active duty service. 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 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,

5/12/2024

