



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC
Docket No. 3453-09
25 Jan 10

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 January 2010. 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. In addition, the Board considered the advisory opinion furnished by NPC memorandum 5420, PERS 4G of 28 October 2009, copy of which is attached.


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. Prior to 25 August 2008, reserve members mobilized with a frequency beyond rotation policy goals were issued orders under 10 USC 12301D. On 25 August 2008, NAVADMIN 235/08 was published announcing that all reserve members thereafter mobilized in support of GWOT assignments would be issued orders under 10 USC 12302. NAVADMIN 235/08 was prospective in nature. It applied only to reserve members mobilized in support of GWOT assignments on or after 25 August 2008. PERS 461 has advised that you were issued mobilization orders under 10 USC 12301D prior to 25 August 2008 in keeping with the policy that was in effect at that time. The Board finds that there was no "error" or "injustice" in the type of mobilization orders you were provided because they were issued in accordance with the policies in effect at the time they were issued. Accordingly, no change to the records is warranted and your request is denied. The names and votes of the members of the panel will be furnished upon request.

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 or other matter not previously considered by the Board. In this

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regard, it is also 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,


W. DEAN PFEIFFER
Executive Director

Enclosure