



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

CRS  
Docket No: 6596-01  
26 October 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Naval Reserve, filed enclosure (1) with this Board requesting, in effect, that he be reinstated in the Naval Reserve.
2. The Board, consisting of Mr. Brezna, Mr. Mackey, and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 24 October 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:
  - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
  - b. Enclosure (1) was filed in a timely manner.
  - c. Petitioner enlisted in the Naval Reserve on 18 December 1998 after four years of prior active service in the Marine Corps.
  - d. After about two years of good attendance, Petitioner attempted to execute a conditional release from the Naval Reserve in order to enlist in the Air Force Reserve for the purpose of participating in the Air Force ROTC program. During this time, he let his attendance at regularly scheduled drills lapse to the point of unsatisfactory attendance. On 20 June 2001 he received a general discharge by reason of unsatisfactory participation. A

reenlistment code of RE-4 was assigned.

e. Naval Reserve regulations outline procedures for terminating voluntary drillers such as Petitioner, who have completed a period of extended active duty and are not required to drill as part of the military obligation. Normally, a voluntary driller who has shown good performance on active and Reserve duty would be transferred to the Individual Ready Reserve (IRR) and recommended for reaffiliation.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board noted that Petitioner's discharge was not improper but probably inappropriate. His overall record while he was on active duty as well as his first two years in the Naval Reserve, was good. The Board concludes that the general discharge was too harsh and the more favorable action of transferring him to the IRR and recommending reaffiliation should have been directed.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

a. That Petitioner's naval record be corrected to show that he was not discharged on 20 June 2001 but transferred to the IRR and recommended for reaffiliation on that date.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



for W. DEAN PFEIFFER  
Executive Director