



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

CRS
Docket No: 4759-02
4 September 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 August 2002. 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.

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.

The Board found that on 5 June 1997 you enlisted in the Marine Corps Reserve for eight years. In this regard, your enlistment contract required you to participate in 48 drills and perform 14 days of active duty for training (ACDUTRA) each year. You reported for initial ACDUTRA on 9 June 1997. On 1 August 1998 you were released from active duty and assigned to a Marine Corps Reserve unit. Subsequently, on 3 August 1998 you plead guilty to armed robbery and were sentenced to confinement in a Federal facility.

On 15 November 2000 the commanding officer recommended that you be separated with an other than honorable discharge by reason of unsatisfactory participation due to failure to attend regularly scheduled drills. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge on 20 April 2001. At that time, you were assigned a reenlistment code

of RE-4.

As a reservist, you were incorrectly given a reenlistment code. However, that code means that you were not recommended for reenlistment. Such a recommendation was appropriate for a reservist separated by reason of unsatisfactory participation. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether your characterization of service or reason for separation should be changed, since you did not ask for such consideration and you have not exhausted your administrative remedy by applying to the Naval Discharge Review Board (NDRB). You may apply to NDRB by submitting the attached DD Form 293.

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 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,

W. DEAN PFEIFFER
Executive Director

Enclosure