



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

TRG  
Docket No: 8220-07  
5 May 2008

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy Reserve filed an application with this Board requesting, in effect, that his record be corrected to show that he was not discharged due to unsatisfactory participation and was recommended for reenlistment at the expiration of his enlistment.

2. The Board, consisting of Mr. [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 April 2008 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. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and consider the application on its merits.

c. Petitioner enlisted in the Navy Reserve on 19 December 1996 in the advanced pay grade program and was advanced to yeoman third class (YN3; E-4) on a temporary basis. He then earned four consecutive qualifying years. During this period his advancement to YN3 was made permanent. During the anniversary year ending on 18 December 2001, he was transferred to the Individual Ready Reserve (IRR) because of his inability to attend drills.

d. Petitioner's record shows that on 28 February 2002 he

was affiliated with a drilling unit. Apparently he then found out that his employment precluded attending drills. He states that his recruiter then told him to stop drilling and, in effect, he would be transferred back into the IRR. This transfer never occurred and Petitioner was charged with being absent from drills.

c. On 6 September 2002, Petitioner was sent a registered letter informing him of the command's intent to discharge him due to unsatisfactory participation. Because he had moved, he never received this letter. After review, the discharge authority directed an honorable discharge due to unsatisfactory participation in the Navy Reserve and that the record show that he was not recommended for reenlistment.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In view of his previous good record, the Board believes that there was probably some confusion as to his drilling status and he was unaware that he was being charged with missing drills. Given the circumstances, the Board concludes that his record should be corrected to show that on about 1 April 2002 he was transferred to the IRR. The record should then be corrected to show that he was not discharged on 18 December 2002 but remained a member of the Navy Reserve until he was honorably discharged on 18 December 2004 with a recommendation for reenlistment at the end of his eight year military obligation. Finally, his record should be corrected by removing all documentation in the record after 1 April 2002 showing missed drills, separation processing and discharge on 18 December 2002.

#### RECOMMENDATION:

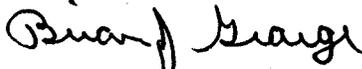
- a. That Petitioner's naval record be corrected to show that on 1 April 2002 he transferred to the IRR because of inability to attend drills.
- b. Petitioner's record should then be corrected to show that he was not discharged on 18 December 2002 but remained a member of the Navy Reserve until he was honorably discharged at the expiration of his enlistment on 18 December 2004 and that he was recommended for reenlistment at that time.
- c. All documentation in the record after 1 April 2002 showing missed drills, separation processing and discharge on 18 December 2002 should be removed from Petitioner's record.
- d. 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.

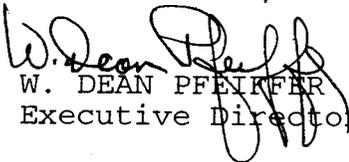
e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings for retention in a confidential file maintained for such purpose, with no reference being made a part of Petitioner's naval record.

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

  
BRIAN J. GEORGE  
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.

  
W. DEAN PFEIFFER  
Executive Director