



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

JRE
Docket No. 10787-07
26 September 2008



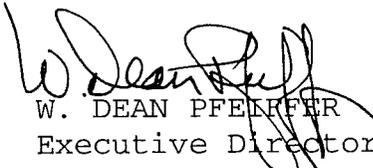
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 September 2008. 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, it considered the enclosed advisory opinion from Headquarters Marine Corps dated 9 February 1987 and your response thereto.

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. In this regard, the Board substantially concurred with the comments contained in the advisory opinion. In addition, the Board found that your discharge under other than honorable conditions for failing to attend Marine Corps Reserve training took precedence over and precluded disability evaluation processing in your case. Accordingly, your application has been 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 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



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1800
MMSR-5
9 Feb 07

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF FORMER L [REDACTED]
[REDACTED]

Ref: (a) MMR Route Sheet of 3 Jan 07, Docket No. 05407-06

1. The reference requests an advisory opinion on Mr. [REDACTED] petition to correct his record to show he received an honorable characterization of service.

2. [REDACTED] service record shows that he was discharged due to his failure to participate in the Reserves. His record shows that he did not attend the following scheduled drills: 6 and 7 December 1997; 10 and 11 January 1998; 7 and 8 February 1998; 7 and 8 March 1998; and 3, 4 and 5 April 1998.

3. Although [REDACTED] provided medical documentation to the Board, the documentation does not cover the dates of the missing drills that formed the basis of his separation from the Marine Corps Reserve.

4. Based on the above, it is recommended that [REDACTED] petition to change his characterization of service to be denied.

[REDACTED]
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps