



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

SMS
Docket No: 2573-08
8 April 2009

[REDACTED]

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 1 April 2009. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 21 November 2002, you enlisted in the Navy Reserve at age 22 and acknowledged that you were required to participate in 85 percent of drills within any 12 month period of time. During January to March 2003, you participated in drills. However, beginning in May 2003 to February 2004, you had continuous unexcused absences. On 5 March 2004, your commanding officer initiated administrative separation by reason of unsatisfactory participation in the Ready Reserve due to your failure to maintain satisfactory drill attendance. A copy of this discharge action was forwarded to you by registered mail, but you failed to respond and as such on 22 April 2004, you were honorably discharged due to unsatisfactory performance and assigned an RE-4 reenlistment code.

Regulations direct assignment of an RE-4 reenlistment code to members who are discharged due to unsatisfactory performance. Since you have been treated no differently than others in your

situation, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code. The Board noted that you were fortunate to have received an honorable discharge since your misconduct met the requirements for an other than honorable characterization of service. 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