



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

TRG
Docket No: 2721-08
5 March 2009



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 3 March 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy Reserve on 22 October 2006 with prior honorable service in the Navy and a short period of service in the Army. In early 2007 you were processed for an administrative separation due to unsatisfactory participation in the Navy Reserve. On 9 April 2007 the separation authority approved the recommendation of your commanding officer and directed a general discharge and the assignment of an RE-4 reenlistment code. The general discharge was issued that same day.

In your application, you state that you had various problems with your automobiles and had to share rides or hitchhike to reserve meetings. On some occasions you could not get to the reserve center which ultimately resulted in your discharge for unsatisfactory participation. You believe, in effect, that these mitigating factors and your desire for further service warrants a correction to your record to allow return to the Navy Reserve.

Although your record is incomplete, it is clear that you would have been notified of separation processing and given an opportunity to present your side of the story before the recommendation for separation was sent to the discharge authority. Further, the Board believed that if you had properly

informed the command of your difficulties they may have approved transfer to the Individual Ready Reserve until your problems were resolved. Since you missed drills and apparently did not contest the separation proceedings, the Board concluded that you were properly discharged due to unsatisfactory participation. Since an RE-4 reenlistment code is required when an individual is discharged due to unsatisfactory participation, the Board further concluded that the RE-4 was properly assigned and a correction to that code is not warranted.

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