



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

TRG  
Docket No: 3670-08  
15 January 2009

[REDACTED]

[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 13 January 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 Marine Corps Reserve on 12 December 1994 for eight years. At that time, you acknowledged the requirement to perform 48 drills and 14 days active duty for training each year for six years. On 1 July 1995 you completed six months of initial active duty for training. At the end of your second anniversary year on 11 December 1996 you were credited with only 21 drills and 14 days active duty for training and 15 membership points. On 6 August 1997 you were sent a letter informing you of the consequences of unsatisfactory participation. At the end of your anniversary year on 11 December 1997, you were credited with 40 drills and 15 membership points. On 16 April and 11 August 1998 you were again sent letters informing you of the possible consequences of continuing your unsatisfactory participation. At the end of your anniversary year on 11 December 1998 you were only credited with 11 drills and 15 membership points.

Based on this record of unsatisfactory participation you were processed for an administrative separation from the Marine Corps Reserve. The microfiche entries of your separation documents are essentially illegible. However, the entry showing that the separation package was reviewed by a military lawyer and found to be sufficient in law and fact can be read. A computer print out shows that you were discharged on 14 December 1998 by reason of

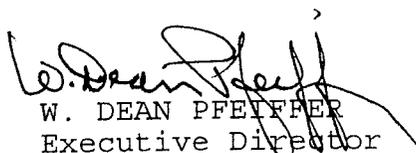
unsatisfactory participation in the Marine Corps Reserve. It appears that the characterization of service is under other than honorable conditions which is the normal characterization of service in cases such as this.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention, in effect, that you could not participate in the Marine Corps Reserve because of an illness in your family. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your three years of unsatisfactory participation. Further, it is clear that you were on notice of the requirements for satisfactory participation and there is nothing in the record to show that you responded to warnings of the possible consequences of continuing your poor participation. Since you have been treated no differently than others separated for unsatisfactory participation the Board could not find an error or injustice in your case. The Board concluded that the discharge was proper as issued and no change is 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