



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

SJN
Docket No: 05581-08
10 April 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 7 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.

You enlisted in the Marine Corps Reserve and began a period of active duty for training on 15 May 1976 at age 20. On 16 October 1976 you were honorably released from initial active duty for training (IADT). Based on the information currently contained in your record it appears that after January 1979, you missed 12 scheduled reserve drills.

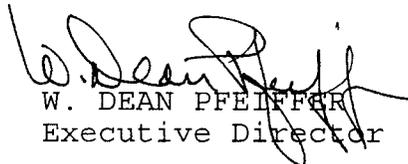
On 14 March 1979, administrative discharge action was initiated by reason of misconduct due to an established pattern of shirking (missing drills). You were notified of this by registered mail on 22 March 1979. Your commanding officer (CO) stated, in part, that you failed to respond to the notification and were absent again without authorization from drills in April 1979. Further, he stated that your repeated failures to respond to the letters advising you of the consequence of your failure to attend training left him no recourse but to administratively separate you from the Marine Corps Reserve.

On 20 April 1979, your CO recommended discharge by reason of misconduct, with a characterization of service of under other than honorable conditions. On 21 May 1979, the discharge authority directed an other than honorable discharge by reason of misconduct. You were so discharge on 6 June 1979.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and period of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge because of your failure to drill with your reserve unit. 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