



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

TRG  
Docket No: 6008-08  
11 May 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 6 May 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 21 May 2002. At the end of your first anniversary year on 20 May 2003 you were credited with 105 retirement points. In the next anniversary year, you were only credited with 45 retirement points. The record shows no further reserve participation. In April 2005 you were sent a Notification of Separation Processing by registered mail to the address on file at the reserve center. You were never responded. On 21 May 2005 the discharge authority directed a general discharge due to unsatisfactory participation and the assignment of an RE-4 reenlistment code.

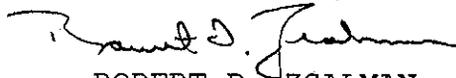
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your initial period of good reserve service and contention that you had moved and that a reserve unit close to your new home did not send a transfer request to your old unit as you had requested. You desire a change in the reenlistment code so that you can reenter the Navy. However, it is clear from the record that you had no participation in the Navy Reserve for nearly a year and that you did not respond to the notification of your discharge processing. This was certainly your last and best opportunity to present your version of events. Since you apparently never contacted your service unit concerning your situation, the Board concluded that

your discharge and reenlistment code were proper.

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,



ROBERT D. ZSALMAN  
Acting Executive Director