



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

TRG
Docket No: 6872-08
11 June 2009

Dear [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 2 June 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 were released from active duty on 7 June 2004 after almost five and one half years of service with an honorable characterization of service and a recommendation for reenlistment. You reenlisted in the Navy Reserve on 5 December 2006 and then earned three consecutive qualifying years.

Subsequently you began to miss drills and apparently had not contacted your command. Therefore, you were processed for an administrative discharge. On 28 February 2008 you were sent a notification of separation processing due to unsatisfactory participation by registered mail. The notification was returned to the command as being unclaimed. After review, a general discharge by reason of unsatisfactory participation was directed and you were so discharged on 4 May 2008. At that time, you were not recommended for reenlistment.

You claim that you were requesting placement in the Individual Ready Reserve (IRR) because of a high rate of travel in your new job and lacked time due to participation in a master's program.

A statement of service for reserve retirement was obtained and it shows that in the anniversary year ending 19 October 2007 you

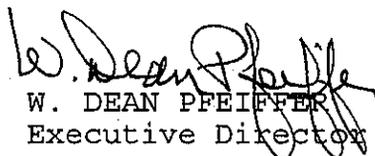
were only credited with 36 of 48 scheduled drills and in the partial anniversary year beginning on 20 October 2007 and ending with your discharge on 4 May 2008 you were not credited with any drills.

The Board believed that you had an obligation as a member of the Navy Reserve to ensure that your status was resolved. Further, at the very least, a valid address should have been on file with the reserve center. It is clear that if you had received your notification of separation processing, you could have contested the processing and raised the issues set forth in your application. However, as indicated the notification was returned to the command as being unclaimed. Therefore, it appears that your negligence contributed to your discharge from the Navy Reserve. Given your almost 10 months of nonparticipation and the other circumstances of 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