



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

SJN
Docket No: 09155-08
30 July 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 28 July 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 reenlisted in the Navy Reserve on 22 May 2005 after three years of honorable service. You served without incident until 20 May 2007, when you could not comply with a Family Care Plan Certificate after you requested to be exempted from deployment.

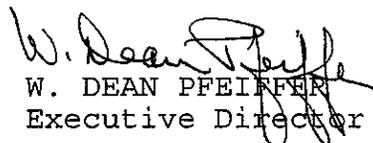
On 20 June 2007, administrative discharge action was initiated by reason of convenience of the government due to parenthood. You then waived your rights to consult counsel or have your case heard by an administrative discharge board (ADB). You elected only to make a statement and to obtain copies of documents supporting the basis for your separation.

On 29 June 2007, your commanding officer forwarded your case recommending discharge by reason of convenience of the government due to parenthood. The letter stated, in part, that you neglected to complete the Navy Family Care Plan Certificate, were unable to perform your duties, and were not available for world-wide assignment due to parenthood. On 10 July 2007, the separation authority directed an honorable discharge by reason of parenthood.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service, the reasons you stated as to why you could not comply with the Family Care Plan Certificate, and your belief that you had a legitimate reason for being temporarily exempted from deployment. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason for your discharge given the fact that Navy regulations state, in part, that all personnel on active duty or in the Selected Reserve must be ready to deploy throughout the world on short notice and be able to fully execute their military duties. Additionally, the Board noted that you were given approximately 30 days to comply with the Family Care Plan Certificate. Finally, the Board noted that you waived your right to an ADB, your best opportunity for retention. 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