



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

REC
Docket No: 00689-09
7 December 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 3 December 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 Navy and began a period of active duty on 9 September 1996, at age 18. You served honorably and were discharged on 28 July 1998. You received a reenlistment code of RE-3B due to parenthood. On 29 June 2005, you began a period in the Navy Reserve until you were separated by reason of unsatisfactory performance. At that time, you received a general discharge and were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. The Board found it confusing that you were discharged from the Navy Reserve on 29 June 2005, and you claimed to have had a child in March 2008, which prohibited you from making any contact with the appropriate personnel within the Reserve Center to inform them of your whereabouts or condition. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason or characterization of your discharge, or your reenlistment code, given your record of failing to participate in the required drills. The Board concluded that you were fortunate to have received a general

discharge, because many service members receive discharges under other than honorable conditions for misconduct such as yours. 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