



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

TJR
Docket No: 2736-09
14 January 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 12 January 2010. The names and votes of the members of the panel will be furnished upon request. 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 Naval Reserve on 4 December 2001, immediately began a period of active duty, and served without disciplinary incident. Subsequently, you were released from active duty and returned to the Naval Reserve in a ready reserve status. Your record reflects that during the period from 22 June 2002 to 26 April 2004 you had completed a total of 20 drills, and as such were an unsatisfactory participant.

It appears that you were subsequently processed for an administrative separation by reason of the convenience of the government due to unsatisfactory participation as evidenced by your failure to attend drill. The discharge authority directed your discharge by reason of the convenience of the government due to your inability to maintain satisfactory drill attendance. As

a result of this action, you were not recommended for retention or reenlistment, and on 26 April 2004 you were issued a general under honorable conditions discharge certificate.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your desire to reenlist, proof of childbirth, and the documentation provided in support of your request. It also considered your assertions that your discharge was due to childbirth and/or lack of child care, and that there is no reason for your nonrecommendation for reenlistment. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment status, specifically, your nonrecommendation for reenlistment due to your failure to satisfactorily attend scheduled drills. In the absence of any evidence that your nonrecommendation for reenlistment was in error, the Board assumed that sufficient evidence existed to support the discharge authority's decision. Accordingly, your application has been denied.

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 PFEFFER
Executive Director