



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

REC
Docket No: 04750-09
25 March 2010

[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 24 March 2010. 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 Marine Corps Reserve and began a period of service on 30 September 1983, at age 17. You served honorably and were released on 29 August 1984. You reenlisted and served honorably for an additional two years until you were released from active duty on 18 July 1986, and were required to affiliate with a reserve unit. However, during your required affiliation, you failed to participate in numerous drills. You were counseled and warned that if you maintained negative participation that further administrative discharge action would be initiated. You failed to participate in thirteen drills. On 26 January 1989, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason failure to participate and were informed that you would receive a reenlistment code of RE-4. On 6 April 1989, the discharge authority directed an other than honorable discharge by reason of failure to participate. On 17 April 1989, you were so separated.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. 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. 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