



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

JRE
Docket No. 07952-09
29 September 2010



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 16 September 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard it noted that you were discharged from the Marine Corps Reserve on 16 June 2006 for failing to satisfactorily participate in Marine Corps Reserve training after 4 March 2005. Due to the basis of your discharge, you were ineligible for discharge by reason of physical disability and/or not being physically qualified for further service in the Marine Corps Reserve. The information you submitted concerning your medical condition and administrative status in 2002 and 2003 was not considered to be probative of the existence of error or injustice in connection with your discharge in 2006. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider the issue of the appropriateness of the characterization of your service as under other than honorable conditions because you failed to exhaust an available administrative remedy by applying to the Naval Discharge Review Board for upgrade of your discharge.

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