



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

TJR
Docket No: 8312-09
26 August 2009

[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 25 August 2009. 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.

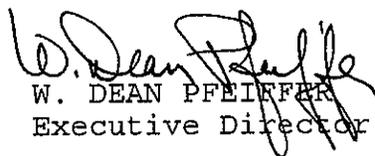
You enlisted in the Naval Reserve on 31 January 2002, immediately began a period of active duty, and served without disciplinary incident. Subsequently, you were released from active duty and transferred to the Naval Reserve for inactive duty training (IDT).

It appears that in September 2005 you were processed for an administrative separation due to unsatisfactory participation as a result of your failure to respond to a previously mailed discharge notification. 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. On 1 October 2005 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your assertion that you were told not to report for drills because you did not meet the swimming qualifications. It also considered your desire to reenlist. 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 PFEIFFER
Executive Director