



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

REC
Docket No: 10884-09
23 July 2010

[REDACTED]

[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 21 July 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 on 2 April 1991, at age 25. On 8 March 1995, you were informed that you would receive a reenlistment code of RE-4 for your failure to participate in 36 reserve drills. On 11 May 1995, your commanding officer recommended you for an other than honorable discharge. On 31 November 1995, the discharge authority approved your commanding officer's recommendation. On 16 December 1995, you were discharged by reason of unsatisfactory participation. At the time of your discharge, an RE-4 reenlistment code was assigned.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to change your reenlistment code. However, the Board found that these factors were not sufficient to warrant a change in your characterization of service given the fact that you were aware of the requirements to participate in the required drills. The Board also noted, the fact that you provided a copy of a military identification card (ID) with an expiration date of 30 April 1999, which was after your discharge date. Per Navy regulations, and once you receive your discharge this ID card is required to be returned to your command. The Board questioned

the fact that you stated that you used your military ID to assist during 11 September 2001, which was after your discharge as well. 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