



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

REC
Docket No: 00590-10
15 October 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 14 October 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 Navy Reserve on 22 May 2007. On 24 February 2009, you were informed that you would receive a reenlistment code of RE-4 for your failure to participate in 12 reserve drills. Your commanding officer recommended you for a general discharge. On 2 March 2009, the discharge authority approved your commanding officer's recommendation. On 15 March 2009, 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. However, the Board found that these factors were not sufficient to warrant a change in your reenlistment code given the fact that you were aware of the requirements to participate in the drills. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Since your discharge is less than 15 years old, you may apply to the Naval Discharge Review Board (NDRB) for a possible upgrade.

I have enclosed a copy of the NDRB's application (DD Form 293) for your convenience.

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