



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

BAN
Docket No: 05144-09
21 April 2010

[REDACTED]

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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 31 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.

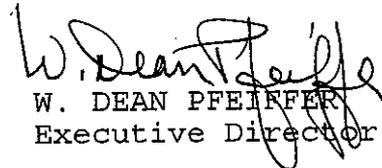
You enlisted in the Marine Corps on 1 October 2002, and served without disciplinary incident. You were released from active duty service on 28 March 2003, with an honorable discharge and an RE-1A reenlistment code. You were reactivated in the Marine Corps from 14 July 2004 to 15 March 2005, in support of Operation Noble Eagle/Enduring Freedom, in which you received an honorable discharge. Shortly thereafter, you were affiliated with the Selective Marine Corps Reserve (SMCR). During that period, you received multiple unsatisfactory performance marks for nonattendance. Your unit made numerous attempts to contact you before they started administrative separation proceedings. On 8 November 2005, your unit mailed your administrative separation package certified to your address on file. Since no response was made, on 9 December 2005, you were separated with an other than honorable discharge and an RE-4 reenlistment code by reason of

unsatisfactory participation in the SMCR.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant changing the characterization of your discharge due to your pattern of misconduct. Finally, there is no provision of law or in Navy regulations that allow for recharacterization of service due solely to the passage of time. 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