



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

REC
Docket No: 05445-10
20 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 reenlisted in the Navy Reserve on 30 October 2001. On 13 September 2007, you were informed that you had missed 13 drills between 26 October 2002 and 22 February 2004. On 14 December 2006, you were discharged from the reserves with a general discharge for unsatisfactory participation in the Ready Reserve. You were informed that you would receive a reenlistment code of RE-4 for your failure to participate in 13 reserve drills. You elected to have your case heard by an administrative discharge board (ADB). The ADB found that you had unsatisfactory participation and recommended a general discharge. Your commanding officer concurred with the ADB's recommendation. On 29 December 2009, the discharge authority approved your commanding officer's recommendation. On 6 January 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 and prior honorable service. 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 and exercised your procedural right to an ADB. 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