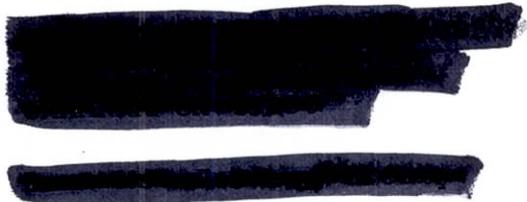




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TAL  
Docket No: 726-12  
1 November 2012



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 24 October 2012. 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.

Prior to your entry into the Navy Reserve, you signed an enlistment contract in which you were advised that you "must" perform at least 85 percent of your assigned drills, specifically, 48 drills and 12 days of active duty for training. You were also advised that failure to respond to official mail and to keep your commanding officer advised of your current address would not prevent administrative separation.

You enlisted in the Navy Reserve on 4 August 2000 at age 27. On 25 January 2005, you were notified by certified mail of pending administrative discharge processing with a general discharge due to unsatisfactory participation for 12 unexcused drill periods. The Administrative Board Procedure Proposed Action was returned addressee unknown. You forfeited all of your procedural rights,

including your right to an administrative discharge board (ADB). On 1 March 2005, you received the general discharge for unsatisfactory participation and were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service and desire to reenter the armed forces. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your misconduct that resulted in multiple unexcused drill absences. The Board noted that you waived your procedural right to an ADB, your best opportunity for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Each branch of the armed forces established its own criteria for enlistment within the provisions of federal law. The reenlistment code assigned by the Navy is not binding upon the other services, which are free to accept or reject an application on the basis of their own standards. If another branch of service decides to waive your reenlistment code and accept you for enlistment, the Navy will not object.

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,



ROBERT D. ZSALMAN  
Acting Executive Director