



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

TJR
Docket No: 4125-12
14 March 2013

[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 12 March 2013. The names and votes of the members of the panel will be furnished upon request. 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.

On 21 August 1971 you enlisted in the Navy Reserve at the age of 19. You served without disciplinary incident until 31 October 1972 when you received nonjudicial punishment (NJP) for missing the movement of your ship and a five day period of unauthorized absence (UA).

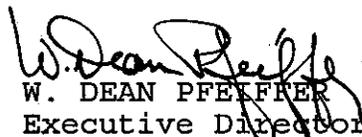
On 1 November 1975 you were ordered to report for 27 days of involuntary active duty due to deficiencies in your drilling attendance, specifically, 44 unexcused drills. As a result of

this, you were recommended for an administrative separation by reason of unfitness. Subsequently, the discharge authority directed your commanding officer to separate you under honorable conditions by reason of unfitness due to unsatisfactory participation in the Ready Reserve, and further directed to have your record reflect a nonrecommendation for reenlistment and/or reaffiliation. On 19 March 1976 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of your failure to satisfactorily attend scheduled drills. Finally, the Board concluded that sufficient evidence existed to support the discharge authority's decision. Accordingly, your application has been denied.

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