



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

BC
Docket No: 07474-13
12 December 2013

Dear [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 11 December 2013. 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 16 July 2008. On 21 October 2008, you signed and acknowledged your orders to drill at a unit in Pensacola, Florida location. Between 11 January 2009 and 12 July 2009, you failed to participate in 15 drills. On 21 July 2009, your command attempted to notify you that administrative discharge procedures had been initiated and that you could receive a general discharge due to your failure to attend required drill periods (unsatisfactory participation). You failed to reply to the notification letter. Thereafter, your commanding officer recommended that you be separated with a general discharge by reason of unsatisfactory participation. The discharge authority concurred and directed a general discharge. On 14 September 2009, you were so discharged and assigned an RE-4 reentry code, as required by governing directives.

The Board, in its review of your entire record and application, carefully considered all potentially mitigating factors present in your case, but found those factors insufficient to warrant changing the characterization of your service or your reentry code, given your record of unsatisfactory participation in the Navy Reserve. The Board did not accept your unsubstantiated contention to the effect that your absences from training were because you were told you could perform your required drills in Alabama rather than Florida. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to assign you a more favorable reentry code as an exception to policy, 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