



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

TJR
Docket No: 5313-14
19 June 2015

[REDACTED]

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 9 June 2015. 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 90 percent of your assigned drills.

On 30 January 2013, you reenlisted in the Navy Reserve and continued to serve without disciplinary incident.

Your record contains documentation which reflects your repeated nonparticipation in assigned drills/absent from drills on numerous occasions. In accordance with the foregoing you failed to meet the requirements of your contract as stipulated above. As a result, you were notified, by certified and/or registered mail, of pending administrative separation action by reason of unsatisfactory participation.

Subsequently, your commanding officer recommended discharge under honorable conditions due to unsatisfactory participation as evidenced by your nonparticipation in assigned drills. The discharge authority approved this recommendation and directed your commanding officer to issue you a general discharge by

reason of unsatisfactory participation in the Ready Reserve, and on 5 August 2013, you were so discharged. At that time you were not recommended for retention or reenlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to recharacterize your discharge and change your narrative reason for separation and reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of your failure to satisfactorily participate in the Navy Ready Reserve and nonrecommendation for retention or reenlistment. Further, in the absence of any evidence that your failure to participate in the Ready Reserve was excused, and as such was in error, the Board concluded that sufficient evidence existed to support the discharge authority's decision to separate you under honorable conditions. 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 within one year from the date of the Board's decision. 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 J. O'NEILL
Executive Director