



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

CRS
Docket No: 5852-00
7 February 2001

[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 31 January 2001. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps Reserve for six years on 16 March 1979. In this regard, your enlistment contract required you to participate in 48 drills and perform 14 days of active duty for training (ACDUTRA) each year. You reported for initial ACDUTRA on 17 July 1979. On 30 November 1979 you were released from active duty and assigned to a Marine Corps Reserve Unit.

On 27 May 1980 the commanding officer recommended that you be separated with a general discharge by reason of unsatisfactory participation due to failure to attend regularly scheduled drills. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were transferred under honorable conditions to the Individual Ready Reserve on 31 August 1980. You received a general discharge from the Marine Corps Reserve on 20 March 1985. At that time you were not recommended for reenlistment.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as the contention that there were good reasons why you missed regularly scheduled drills. However, the Board considered that these factors were not sufficient to warrant recharacterization of your discharge. The Board noted the record reflects your failure to attend scheduled drills over a period of time, and you have submitted no evidence to the contrary. This failure was sufficient to warrant a general discharge.

Concerning your request to change the RE-4 reenlistment code, as a reservist you were correctly not given a reenlistment code. However, you were not recommended for reenlistment. Such a recommendation was appropriate for a reservist separated by reason of unsatisfactory participation. Accordingly, the Board concluded that no change in the record is necessary.

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