



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

CRS
Docket No: 10018-06
28 March 2007

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy Reserve, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was recommended for reenlistment on 22 April 2005.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 28 February 2007 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy Reserve on 24 March 2003 after five years of prior active service.

d. On 16 September 2004 Petitioner was notified of his required dental examination. There was no response and he no longer attended regularly scheduled drills. On 21 April 2005 the Navy Personnel Command directed that he receive a general discharge by reason of unsatisfactory participation. For some unknown reason, on 22 April 2005 Petitioner was honorably discharged by reason of convenience of the government. At that time, he was not recommended for reenlistment.

e. In an attachment to his application Petitioner admits that he missed a dental appointment but states that he was involved in a custody dispute and missed the appointment due to the court date.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. While the Board agrees that Petitioner was to blame for his being discharged, it also believes that his failure to take the dental examination and subsequent failure to attend drills is not sufficient to bar him from further military service. Accordingly, the Board recommends that the record entry to the effect that Petitioner was not recommended for reenlistment be changed to a recommendation in favor of reenlistment.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that he was recommended for reenlistment vice the not recommended for reenlistment actually issued on 22 April 2005.
- b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

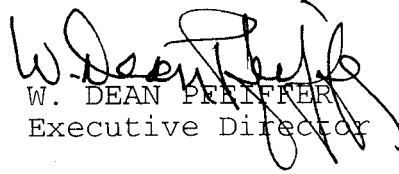
ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby

announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director