



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 820-09

21 May 2009

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 May 2009. 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.

You were released from active duty on 7 May 2006 upon completion of five years of active service. At that time, you were a petty officer second class and were assigned an RE-1 reenlistment code. Subsequently, you affiliated with a reserve unit. The next entry in your record shows that you were notified by registered mail of the command's intent to process you for an administrative discharge due to unsatisfactory participation in the Navy Reserve. This notification provided you with the opportunity to submit a statement and to otherwise contest the discharge processing. However, you apparently never responded.

On 27 February 2007 the commanding officer directed a general discharge by reason of unsatisfactory participation and you were so discharged that same day. At that time, you were not recommended for reaffiliation which resulted in the assignment of an RE-4 reenlistment code.

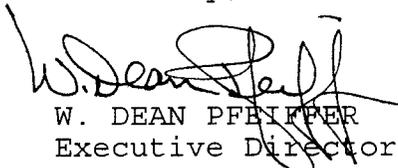
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that at the time of your affiliation you informed the reserve recruiter that you might not be able to attend drills because you might have to move to Georgia to care for your mother. You claim that your recruiter stated that if this became a problem you should

call the reserve center personnel and they would place you in an inactive status, however, this did not happen after you informed them that you were moving. You have not provided any documentation to support your contentions and there is none in your record. Further, it appears that you did not even provide a change of address. Since you have a general discharge and no other information is available, the Board concluded that the discharge by reason of unsatisfactory participation and a nonrecommendation for reaffiliation were proper as issued and no change is warranted.

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