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

CRS
Docket No: 2962-09
12 February 2010

[redacted]

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 16 December 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.

The Board found that you enlisted in the Navy Reserve on 9 December 1983. Under the terms of your enlistment contract, you were required to complete 48 drill periods and perform 14 days of active duty for training (ACDUTRA) each year. You served on initial ACDUTRA from 10 February to 13 May 1984, when you were released from active duty and assigned to a Navy Reserve unit. On 13 October 1984 you were reassigned to an administrative unit for medical review. You were found fit for duty on 21 November 1985 and reassigned back to a drilling status; however, you never attended any more drills. On 30 July 1987 you were separated from the Navy Reserve by reason of unsatisfactory participation with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and overall record. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge, given your absence from regularly scheduled drills. 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,

Ronald D. Fishman

For W. DEAN PFEIFFER
Executive Director