



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

TAL
Docket No: 11446-10
3 August 2011

[REDACTED]

[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 20 July 2011. 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.


You enlisted in the Navy Reserve and began a period of active duty on 16 December 2005 at age 20. You were counseled regarding your 11 unexcused absences from inactive duty training (IDT) and declared an unsatisfactory participant. You were notified of pending administrative discharge processing with a general discharge due to unsatisfactory participation. You did not respond to the certified mailing of administrative discharge documents. Therefore by failing to respond you waived all of your procedural rights, including your right to an administrative discharge board (ADB). Based on the information currently contained in your record it appears that in October 2007, you received the general discharge for unsatisfactory participation. At that time you were assigned an RE-4 reentry code, which means that you were neither recommended nor eligible for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reentry code given your misconduct that resulted in multiple unexcused drill absences and the non-recommendation for

reenlistment which was sufficient to support the assignment of an RE-4. 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