



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

TJR
Docket No: 10976-10
20 July 2011

[REDACTED]

[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 19 July 2011. The names and votes of the members of the panel will be furnished upon request. 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.

Prior to your entry into the Navy Reserve, you signed an enlistment contract in which you were advised that you "must" perform at least 90 percent of your assigned drills, specifically, 43 drills and 12 days of active duty for training. On 18 April 1986 you enlisted in the Navy Reserve and began a period of active duty on 3 November 1986. On 3 April 1987 you were honorably released after serving 90 or more days of active duty for training, and were returned to your reserve unit in a drilling status.


Your record contains documentation which reflects that during the period from 1 January to 31 December 1988 you did not participate in any drilling activity. As a result, it appears that you were notified of pending administrative separation action by reason of unsatisfactory participation due to your failure to attend drills as evidenced by your nonparticipation and unexcused absences. Your commanding officer recommended discharge under other than

honorable conditions due to unsatisfactory participation as evidenced by your failure to maintain satisfactory drill attendance. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of unsatisfactory participation, and on 16 December 1988, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service good conduct and desire to upgrade your other than honorable discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your failure to satisfactorily attend scheduled drills. Finally, in the absence of any evidence that your missed drills were excused, and as such was in error, the Board concluded that sufficient evidence existed to support the discharge authority's decision. Accordingly, your application has been denied.

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