



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

CRS
Docket No: 3943-00
9 August 2001

[REDACTED]

Dear [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 1 August 2001. 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 Marine Corps Reserve for eight years on 30 June 1997 at age 19. In this regard, your enlistment contract required you to participate in 48 drills and perform 14 days of active duty for training (ACDUTRA) each year. You reported for initial ACDUTRA on 12 January 1998. On 27 June 1998 you were released from active duty and assigned to a Marine Corps Reserve Unit.

On 23 November 1998 the commanding officer recommended that you be separated with an other than honorable discharge by reason of unsatisfactory participation due to failure to attend any regularly scheduled drills after July 1998. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 7 January 1999 you received an other than honorable discharge.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity and personal problems. However, the Board concluded that these factors were not sufficient to warrant your reinstatement. The Board noted the record reflects that you failed to attend scheduled drills over a period of time, and you have submitted no evidence to the contrary. This failure was sufficient to warrant an other than honorable discharge. 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