



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

Docket No: 418-07
28 March 2007

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy Reserve, filed enclosure (1) with this Board requesting, in effect, that he be reinstated in the Navy Reserve.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 28 February 2007 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 30 November 1998. He was honorably separated and transferred to the Navy Reserve on 29 April 2003. At that time, he was assigned a reenlistment code of RE-1A.

d. On 17 June 2004 he voluntarily affiliated with a Navy Reserve unit. It appears that Petitioner stopped drilling in September 2004.

e. On 27 January 2005 Petitioner received a general discharge by reason of unsatisfactory participation. At that time, he was not recommended for reenlistment.

f. On 23 October 2006 his reserve obligation was completed.

g. Navy Reserve regulations outline procedures for terminating voluntary drillers. Normally, a voluntary driller who is a petty officer and has shown consistently good performance on active duty would be transferred to the Individual Ready Reserve (IRR) and recommended for reaffiliation.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board noted that Petitioner's discharge was not improper but probably inappropriate. His overall record while he was on active duty was good. Further, he had no drilling obligation and his affiliation with a reserve unit was a voluntary act. The Board therefore concludes that the general discharge was too harsh and the more favorable action of transferring him to the IRR and recommending reaffiliation should have been directed. Upon completion of his obligation on 23 October 2006 he would have then been honorably discharged and recommended for reenlistment.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on 27 January 2005 but transferred to the IRR and recommended for reaffiliation.

b. Further, that upon his completion of his reserve obligation on 23 October 2006, that he received an honorable discharge and was recommended for reenlistment.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



ROBERT D. ZSALMAN
Recorder

ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director