



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

CRS
Docket No: 7481-07
19 September 2008

[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 10 September 2008. 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.

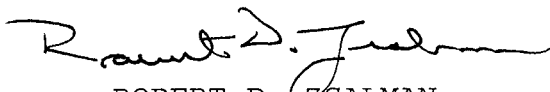
The Board found that you enlisted in the Navy Reserve on 2 September 1983. Under the terms of your enlistment contract, you were required to participate in 48 drills and perform 14 days of active duty for training (ACDUTRA) each year. You reported for initial ACDUTRA on 24 July 1984. On 5 November 1984 you were released from active duty and assigned to a Navy Reserve unit. Although the discharge processing documents are not in your record, it appears that your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of unsatisfactory participation for failing to attend scheduled drills. On 20 May 1987, you were separated from the Navy Reserve with a discharge under other than honorable conditions. You were assigned a reenlistment code of RE-4.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the contention that you missed drills in the belief that you would be ordered to active duty. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge. In this regard, the Board noted your failure to attend multiple drills was sufficient to warrant a discharge under other than honorable conditions. The Board concluded that

it is appropriate that you were not recommended for reenlistment in view of your unsatisfactory participation. 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director