



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

CRS
Docket No: 5017-08
17 November 2008

[REDACTED]

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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 13 November 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 Marine Corps Reserve (USMCR) on 15 April 1989 after six months of prior service in the Coast Guard Reserve. 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 25 April 1989. On 16 December 1989 you were released from active duty and assigned to a USMCR unit.

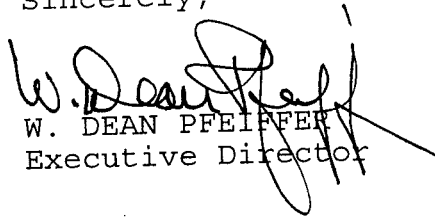
On 8 May 1991 your commanding officer recommended that you be separated from the USMCR with a discharge under other than honorable conditions by reason of unsatisfactory participation due to your failure to attend regularly scheduled drills and annual ACDUTRA. After review by the discharge authority, the recommendation for separation was approved and on 27 Aug 1991 you received a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, and the contention that "the required time has elapsed for an upgrade to be granted". The Board concluded that those factors were insufficient to warrant recharacterization of your

service, given your failure to attend numerous scheduled drills over an extended period of time. In addition, the Board noted that there is no law or regulation which provides for the upgrade of a discharge based solely on the passage of a certain period of time. 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