



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

CRS  
Docket No: 7728-08  
29 September 2008



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 27 August 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 on 20 November 1982. 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 January 1983. On 22 July 1983 you were released from active duty and assigned to a Marine Corps Reserve unit.

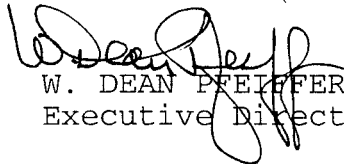
On 11 January 1987 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of unsatisfactory participation due to your failure to attend regularly scheduled drills. After review by the discharge authority, the recommendation for separation was approved and on 13 February 1987 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, good post service conduct, and your erroneous belief that after a period of time your discharge would be upgraded. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge, given your repeated failure to attend scheduled

drills. In addition, there are no provisions of law or regulation that provide for the upgrade of a discharge based solely upon the passage 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