



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

TAL
Docket No: 4545-09
30 March 2010



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 10 March 2010. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

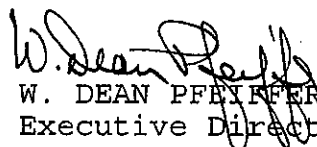
You enlisted in the Navy Reserve and began a period of active duty on 31 August 2004. Based on the information currently contained in your record it appears that you failed to report to recruit training, 9 May 2005. On 31 May 2005, your letter of notification and statement of awareness was mailed to you by certified mail. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB) when you failed to respond to the notification. Your commanding officer recommended that you be separated under honorable conditions with a general discharge due to unsatisfactory performance. The recommendation stated in part, that you failed to maintain satisfactory participation in drill attendance and that you would be separated. On 5 July 2005, your commanding officer directed that you be separated with a general discharge and assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code given your unauthorized absence on the reporting date for recruit

training. In this regard, an RE-4 reenlistment code is required when an individual is separated due to unsatisfactory performance. 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