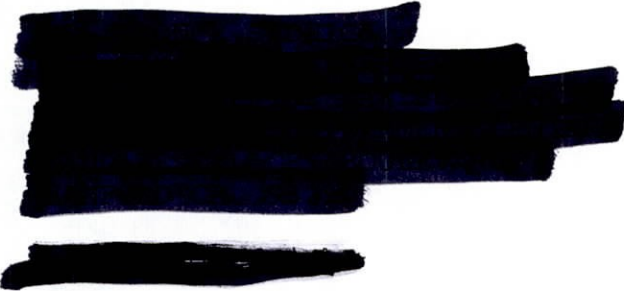




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 1609-10
18 November 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 16 November 2010. The names and votes of the members of the panel will be furnished upon request. 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.

Prior to your entry into the Navy Reserve, you signed an enlistment contract in which you were advised that you "must" perform at least 85 percent of your assigned drills, specifically, 48 drills and 12 days of active duty for training. On 17 December 2006 you enlisted in the Navy Reserve and served without disciplinary incident.

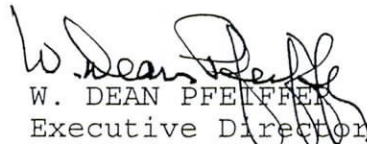
Your record contains a Navy Standard Integrated Personnel System report which reflects that during the period from September 2008 to August 2009 you were absent from drills on 20 occasions. Although eight of these occasions were authorized absences, coupled with your 12 unexcused absences, your nonparticipation in assigned drills represented about 63 percent.

As a result of the foregoing, you were notified by certified and registered mail of pending administrative separation action by reason of unsatisfactory participation due to your failure to attend drills as evidenced by nine or more unexcused absences. On 28 July 2009 your commanding officer recommended discharge stating that you were no longer an asset to the Navy due to unsatisfactory participation. The recommendation also noted, in part, that you had failed to maintain satisfactory drill attendance. Subsequently, the discharge authority approved this recommendation and directed your commanding officer to issue you a general discharge by reason of unsatisfactory participation. At that time the discharge authority stated that you were not recommended for reenlistment because of your failure to maintain at least an 85% satisfactory drill participation. On 7 August 2009 you were issued a general discharge under honorable conditions and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to reenlist. It also considered your assertion that while in the processing of joining the Army, you were separated from the Navy Reserve. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment status, specifically, your nonrecommendation for reenlistment due to your failure to satisfactorily attend scheduled drills. Finally, in the absence of any evidence that your nonrecommendation for reenlistment, specifically, the assigned RE-4 reenlistment code, was in error, the Board concluded that sufficient evidence existed to support the discharge authority's decision. Accordingly, your application has been denied.

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