



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 5501-14
3 June 2015

[REDACTED]

[REDACTED]

Dear [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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 May 2015. 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.

You enlisted in the Navy Reserve and began a period of active duty for training on 4 June 1996. On 7 December 1996, you were honorably released after completion of your active duty. Based on the information currently contained in your record, on 7 November 1999, your commanding officer forwarded his recommendation that you receive an other than honorable (OTH) discharge by reason of unsatisfactory participation in the Ready Reserve. It was stated, in part, that you had been counseled via mail and phone calls concerning your missed drills, and that you had not made any effort to resolve your missed drills.

Additionally, after you submitted a congressional inquiry regarding your absences, the reply requested that you contact your command, in which no response was received. However, the record clearly shows that on 7 February 2000, it was directed that you receive an OTH discharge. You were so discharge that same day. At that time you were administratively reduced to paygrade E-3 per Marine Corps directives, and assigned an RE-4 reentry code. Regulations require the assignment of an RE-4 reentry code to individuals who are separated due to unsatisfactory performance in the Ready Reserve.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, desire to change you characterization of service, the reason for your discharge, reentry code, and to be reinstated to paygrade E-4. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your characterization of service, the reason for your discharge, reentry code, or to be reinstated to paygrade E-4 given your failure to drill with your reserve unit. Finally, Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,



ROBERT J. O'NEILL
Executive Director