



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

LCC:ddj
Docket No: 3263-01
17 July 2001

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 July 2001. 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. In addition, the Board considered the advisory opinion furnished by NPC letter, 1070 PERS-312E/43 of 12 June 2001, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1070
PERS-312E/43

12 JUN 2001

From: Commander, Navy Personnel Command
To: Executive Director, Board for Correction of Naval Records
Via: Assistant, Board for Correction of Naval Records (Pers-OOZCB)

Subj: ADVISORY OPINION ICO MSI PC [REDACTED]

Ref: DD Form 149 dated 19 April 2001

- Reference (a) is disapproved. In our opinion, member's service record does not support the fact that San Agustin, San Simon Pampanga, Philippines was the home of record at the time he reported for active duty on 29 June 1987. His record shows Bronx, NY as the home of record and that he established residence in the United States in 28 March 1986.



By direction

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages ▶ 1

To	Dominga Jackson	From	Heather
Dept./Agency	BUNR	Phone #	862-3043
Fax #	703-604-9857	Fax #	862-2604

NSN 7540-01-317-7388 5099-101 GENERAL SERVICES ADMINISTRATION