



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

LCC:ddj
Docket No: 6770-01
15 January 2002



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 15 January 2002. 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 memorandum 1070 Pers 312E/43 of 1 November 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
1 NOV 2001

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

Subj: ADVISORY OPINION ICO [REDACTED]

Ref: (a) DD Form 149 dated 23 Aug 01

1. Reference (a) states that the rating at the time of discharge should be as a Gunner's Mate Third Class instead of a Mineman Third Class.
2. The member's service record shows that he completed a course of instruction in Gunner's Mate Class "A" School on 5 August 1944. While at the school, his rating changed from S2c to S1c(GM). He was then transferred where he completed a course of instruction at the Naval Mine Warfare School on 3 October 1944. On 16 February 1945 his rating changed from S1c (GM) to MN3c .
3. After reviewing the member's service record, it is our opinion that the rating of MN3c at the time of discharge on 18 February 1946 is correct

[REDACTED]

By direction