



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

TRG
Docket No: 7696-07
31 July 2008

[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 29 July 2008. 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 an advisory opinion furnished by the Navy Personnel Command, a copy of which is enclosed.

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

7220
PERS-823
10 Mar 08

MEMORANDUM FOR SPECIAL ASSISTANT FOR BCNR MATTERS (Pers-31C)

Subj: ADVISORY OPINION AND COMMENTS ICO [REDACTED]

Ref: (a) BCNR MEMORANDUM 5420 PERS-31C of 17 Jan 2008

1. Per reference (a), A review of [REDACTED] request and service record and DFAS retired pay account was conducted. [REDACTED] is currently receiving retired for all his creditable service. As far as the part of the request concerning credit for his minority enlistment, [REDACTED] is not entitled to receive the full credit. This is due to the fact that he reenlisted nine months before the end of the contract. USC 10 6330 states that in order to receive the full credit for this enlistment the member may reenlist/terminate within three months before the end of the term of enlistment to be counted as active service for the full term. Therefore there is no corrective action for this office to take.

2. My POC in this matter is Mr. [REDACTED] he may be reached at (901) 874-3250.

R. D. LEWIS
By direction