



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 8235-07

7 May 2008

[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 22 April 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.

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.

You enlisted in the Marine Corps Reserve on 11 December 1972 at age 19. On 15 December 1972 you reported for recruit training. Apparently, you had trouble adjusting and were referred for an evaluation, which resulted in a recommendation for discharge by reason of unsuitability. A subsequent aptitude board noted your low score on the aptitude test and also recommended discharge by reason of unsuitability. After review, the discharge authority directed an honorable discharge by reason of unsuitability and you were so discharged on 9 February 1973. At that time, you had completed one month and 25 days of active service and four days of inactive service.

In your application you contend that you actually served more than 59 days. As indicated in the foregoing summary of your service, the record clearly shows that you only served on active duty for one month and 25 days. Therefore, there is no basis for a change in the length of your service.

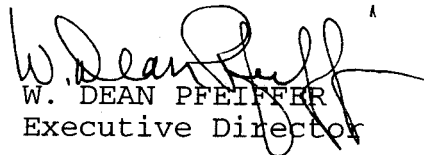
Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You are also requesting that your DD Form 214 be corrected to show that your date of birth was 11 February 1953 instead of 2

November 1953. You have submitted a birth certificate from the State of West Virginia which purports to show that you were born on 11 February 1953. However, several documents in the record, which were signed by you, including your enlistment contract and DD Form 214 show that you were born on 2 November 1953. Several other documents show that you were born on 11 February 1953. Please be advised that a change in a date of birth can be accomplished administratively by the custodian of the record upon presentation of proper evidence. Therefore, if about an eight month change in your date of birth is important, you should complete the enclosed Standard Form 180 and send it to the National Personnel Records Center at the address indicated on the form. You should wait several months to allow your record to be returned by the Board to file in the Records Center.

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