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

HD:hd
Docket No. 02873-08
30 October 2008

[REDACTED]

[REDACTED]

[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 30 October 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 the advisory opinion furnished by the Navy Personnel Command dated 8 May 2008, 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. Your statement did not persuade the Board that you did not knowingly submit false information, as to the number of your dependents, in connection with your enlistment. In view of the above, 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

5812
PERS-832B
8 May 2008

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-31C)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION ON PETITION IC0
[REDACTED]

Encl: (1) BCNR File 02873-08
(2) Petitioner's CD Service Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request for removal of derogatory material.
2. The review reveals that the petitioner was processed for fraudulent enlistment and was retained and warned by PERS-832. The fraudulent enlistment was a significant event and documentation supporting that event should remain in the record. The maintenance of that documentation is essential to depict the petitioner's character and background. A presumption of regularity attaches to official records, and the burden of proof is on the petitioner to show documentary evidence that an error has occurred or an injustice suffered. The petitioner has provided no such evidence to support removal of the documents. Therefore, favorable action on this petition is not recommended.

A handwritten signature in black ink, appearing to read "C. V. Langford", written over a horizontal line.

C. V. LANGFORD
Assistant Head and Technical Advisor
Enlisted Performance and Separations
Branch (PERS-832)