



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

MEH
Docket No. 4235-08
28 Jul 08

[REDACTED]

Dear [REDACTED]

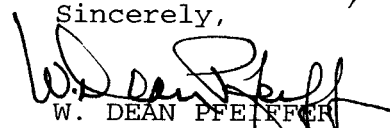
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 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 the advisory opinion furnished by CNRC memo 1133 Ser N5312/09085 of 17 Jul 08, 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 also 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 RECRUITING COMMAND
5722 INTEGRITY DR.
MILLINGTON, TENNESSEE 38054-5057

IN REPLY REFER TO:

1133
Ser N5312/09085
17 Jul 08

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS


Subj: ADVISORY OPINION ICO [REDACTED]

Encl: (1) NAVCRUIT 1133/75 LRP STATEMENT OF UNDERSTANDING

1. Petitioner has applied to the Board for Correction of Naval Records (BCNR) seeking to have his Navy record changed to remove the Loan Repayment Program (LRP). This memorandum provides a recommendation for the Board regarding the petitioner's application.

2. It is our opinion that the records in this case do not sufficiently corroborate the petitioner's claim. The petitioner claims that he did not understand the specifics of the LRP when he entered the Navy. As is displayed in Encl (1), the petitioner was made aware of the fact that LRP payments are only made on those loans which are federally guaranteed loans. Although portions of the copied enclosure are difficult to read, they were actually highlighted in the original document and the one eligible federal loan through Sallie Mae and its unpaid principal amount is clearly recorded. It is our opinion that a change to the petitioner's Navy record at this time is unfounded. Accordingly, we recommend that the Board deny the petitioner's request.

3. Point of contact is LT Patrick Dickerson, (901)874-7439, email, patrick.dickerson@navy.mil. Our mailing address is Commander, Navy Recruiting Command (N5312), 5722 Integrity Drive (BLDG 784), Millington, TN 38054.


B. M. LEPINE
CDR USN
By direction