



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

MEH
Docket No. 5607-08
25 Nov 08

[REDACTED]

Dear [REDACTED]

This is in reference the 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 24 November 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 opinions furnished by NSTC memo 1533 OD4 of 30 Jun 08, and MCRC memo 1610 G-1 of 30 Jun 08, copies of which are attached.


The Board also considered the request for a personal appearance, however they found that the issues in the case were adequately documented and that a personal appearance with or without counsel would not materially add to the Board's understanding of the issues involved. Thus, your request for a personal appearance has been denied.

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 provided by the Naval Service Training Command (NSTC). The Board found there was no error or injustice in the procedures

used or the evidence considered in disenrolling you from the Naval Reserve Officers Training Corps (NROTC) unit at Auburn University or establishing the educational debt. Further, the Board found that the education received, at government expense, enhanced your opportunity for increased life-long earnings and employment potential. It was noted that Mr. William A. Navas, Assistant Secretary of the Navy (Manpower and Reserve Affairs), acting on behalf of the Secretary of the Navy, approved your disenrollment, with recoupment of scholarship funds, on 10 May 2007. The Board found no compelling reason to disturb Mr. Navas's prior decision. 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

Enclosures