



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

JRE  
Docket No. 09701-08  
2 March 2009



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, in which you requested that your record be corrected to show that you served on active duty for an additional twenty-four days so that you will be entitled to benefits administered by the Department of Veterans Affairs (VA).

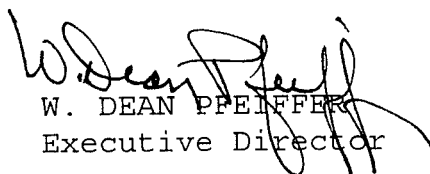
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 February 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. In this regard the Board noted that even though you completed only 1 year, 11 months and 8 days of active duty service, it appears that you met the basic eligibility criteria for VA benefits as set out in 38 Code of Federal Regulations (CFR) section 3.12a(d)1), based on your authorized "early-out" from the Navy. A copy of that section of the CFR is enclosed.

In view of the foregoing, and as you have not demonstrated that your early release from active duty was erroneous or unjust, 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