



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

TRG
Docket No: 1029-09
9 March 2009

[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 18 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.

You were promoted to lieutenant colonel (LtCol; O-5) on 1 June 2005. In order to retire in that grade you must complete three qualifying years from the date of your promotion. A partial year may be credited if an individual is discharged or retired during an anniversary year and sufficient retirement points are earned to make the partial year qualifying.

You earned two qualifying years from the date of your promotion until the end of your anniversary year on 20 February 2008, a period of about 32 months. At the end of your next anniversary year on 20 February 2009 you were only credited with six drills and 15 membership points. Fifty points are required to make 12 months a qualifying year for retirement purposes.

You are requesting that your pending retirement date in 2009 be changed to 1 June 2008 so that the partial year from 20 February to 1 June 2008 would be qualifying. This is a period of less than the four months you need to reach a total of 36 qualifying months. Whether or not you attended drills during this short period is unknown. Further, you will only be credited with prorated membership points. Therefore, it appears that even if the six drill points and the prorated membership points are credited you would not have sufficient points to make the four

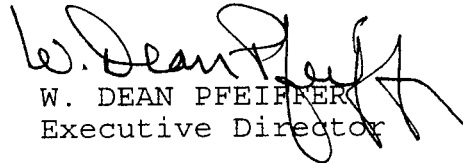
months qualifying.

It is clear that you must reschedule the requested retirement date to allow you to retire as a LtCol. You must then serve until you can earn some combination of points and service to allow four months or more of qualifying service in order to retire as a LtCol without Board action. Since the requested relief would not allow retirement at the higher grade, the Board concluded that corrective action was not warranted.

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 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