



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

CRS
Docket No: 2931-09
29 December 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 December 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.

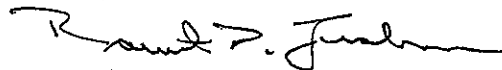
The Board found that you enlisted in the Navy on 28 May 1975. Your enlistment contract specified a term of four years "unless sooner discharged by proper authority." You received nonjudicial punishment on seven occasions for offenses that included absence from appointed place of duty, use of provoking words, failure to obey a lawful order, and sleeping in a rack while fully clothed. You were honorably released from active duty on 2 May 1979 and transferred to the Navy Reserve.

Although you enlisted for a term of four years, you were not entitled to remain on active duty until 27 May 1979, when you would have completed four years of active service. In this regard, the Board found that it is permissible for proper authorities to curtail enlistments for a number of reasons, such as operational commitments and/or requirements, as well as for the convenience of the government or the Sailor. While the reason for your early release from active duty is not shown in your record, the Board presumed that the release was proper. 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,



For W. DEAN PFEIFFER
Executive Director