



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

JRE
Docket No. 04407-10
14 February 2011

[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. You requested further consideration of the Board's denial of your request for correction of your record to show that you were retired by reason of physical disability, and you added a request for an honorable discharge in lieu of the uncharacterized entry level separation you received on 5 April 1994.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your request for a characterized discharge on 10 February 2011; however, it did not reconsider your request for disability retirement because it found that you did not submit any new material evidence in support of that request.


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 with regard to your entry level separation. In this regard, the Board found that as you were discharged within your first 180 days of service, you were not entitled to a characterized separation. It noted that in cases where extraordinary circumstances are present, the Secretary of the Navy may authorize a characterized discharge for a Sailor in an entry level status, but since you were discharged

for failing to meet the minimum physical standards for enlistment, and no extraordinary circumstances warranting the award of an honorable discharge were present in your case, there is no basis for granting your request for an honorable discharge. 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