



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

TJR
Docket No: 7785-10
12 August 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 10 August 2010. The names and votes of the members of the panel will be furnished upon 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 11 December 1987 after nearly 11 years of prior honorable service. You continued to serve without disciplinary infraction until 15 March 1990, when you received nonjudicial punishment (NJP) for communicating a threat and assault. About four years later, on 5 April 1994, you again received NJP for communicating a threat and assault.

Your record contains an administrative remarks entry dated 13 June 1994, which states, in part, that you were counselled regarding deficiencies and your performance and conduct, specifically, your failure to make adequate dependent care arrangements. On 22 July 1994, you received your third NJP for three specifications of failure to obey a lawful order. Shortly thereafter, on 20 September 1994, you submitted a Dependent Care Certificate stating that you could not comply with the requirements which would make you eligible for worldwide assignment. Subsequently, you were administratively processed for separation by reason of convenience of the government due to parenthood or custody of minor children. The discharge authority

directed your commanding officer to issue you an honorable discharge by reason of convenience of the government due to parenthood or custody of minor children, and on 28 October 1994 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, desire to set aside your discharge, and change your record to reflect that you retired from the Navy. The Board also considered your assertion that you honorably served for nearly 18 years and the only reason you were not receiving a full pension was due to having two Navy Enlisted Classification (NEC) codes. Nevertheless, the Board concluded these factors were not sufficient to warrant setting aside your discharge for the purpose of making you eligible for retirement because you served for less than 18 years and were properly discharged by reason of parenthood. The Board also found that your assertion regarding noneligibility for a full pension due to having two NECs is without merit. Accordingly, your application has been denied.

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