



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

WJH
Docket: 10404-10
5 April 2011

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This is in reference to your application for correction of naval record pursuant to the provisions of 10 USC 1552.

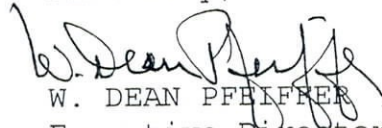
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 March 2011. Your allegations of error and injustice were reviewed in accordance with the administrative regulations and procedures applicable to the proceedings of this Board. 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. In addition, the Board considered the advisory opinion furnished by the Commander, Navy Personnel Command letter 5420 PERS 91 of 26 Oct 2010.

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 connection the Board substantially concurred with the comments contained in the advisory opinion. In the Board's view, the responsibility for achieving sufficient reserve retirement points rests with you. Review of your record shows numerous gaps in service between 1984 and 2011 during which you could have earned the necessary retirement points, but did not. The Board understood that you the Navy Personnel Command erroneously credited you with 19 years of qualifying service in December 2006. However, that error was corrected within three months later. The correction letter

informed you that you would be credited with 17 years of service and allowed until 1 February 2011 to earn the remaining three qualifying years. However, between Feb 2007 and Feb 2011 you failed to earn three qualifying years. The Board noted that you are now 43 years of age and may still be eligible to affiliate with the armed forces and earn the required points. Under these circumstances, the Board found no error or injustice in your naval record and 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 also 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