



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

CRS
Docket No: 12035-10
26 January 2011

[REDACTED]

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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 8 December 2010. 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 enlisted in the Navy Reserve on 25 April 1975 and reported to active duty on 8 May 1975. On 7 July 1976 you were convicted by civil authorities of rape and sentenced to confinement for a term of 2 to 10 years.

On 10 March 1977 an administrative discharge board recommended that you separated from the Navy Reserve with a general discharge by reason of misconduct due to civil conviction, and you so discharged on 24 July 1977.

In your application, you are requesting that the date of your entry on active duty be changed to 25 April 1975, the date of your enlistment in the Navy Reserve because you believe that you were on active duty on that date. Since the record clearly shows that you did not enter active duty until 8 May 1975 there is no basis for directing corrective action in your case. 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