



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD SUITE 1001  
ARLINGTON VA 22204-2490

BAN  
Docket No:NR05870-14  
19 June 2014

[REDACTED]

This is in reference to your application for correction of your 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 18 June 2014. 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.

The Board also notes that you have applied for a correction to your record for an error that allegedly occurred more than 30 years ago. Under the rules governing this Board, an application for a correction of a naval record must be made within three years after the discovery of the alleged error. Failure to file within the prescribed three years may be excused only in cases where the Board finds that it is in the interests of justice to do so.

Although you neglected to assert your claim for an inordinately long period of time without justification and you provided no evidence as to why you did not seek to have the alleged error corrected earlier, the Board still decided to review your case.

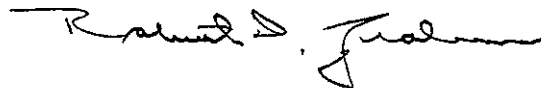
However, the Board did note that in December 1995, you received a letter from the Bureau of Naval Personnel stating that under the legal statute, 10 U.S.C 6334, "Legal representatives of the Judge Advocate General of the Navy have determined that only members who transfer to the Fleet Reserve after 4 December 1987 are eligible for consideration to be advanced on the retired list. Since you transferred to the Fleet Reserve prior to that

date you are ineligible for advancement to a higher grade", a copy of which is being provided to you.

Therefore, based on the circumstances described above, 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,



ROBERT D. ZSALMAN  
Acting Executive Director

Enclosure