



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

TRG  
Docket No: 9598-02  
12 September 2003

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 September 2003. 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. In addition, the Board considered the advisory opinion furnished by the Bureau of Naval Personnel, a copy of which is enclosed.

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.

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

Enclosure



Subj: REQUEST FOR ADVISORY OPINION IN THE CASE OF  
EX-██

4. Per reference (f), after his discharge, Ex-Chief Petty Officer ██████████ requested reinstatement in March, 1965. BUMED disapproved this request (reference (g)), in April, 1965. Per reference (h), after his reinstatement request was disapproved, Ex-Chief Petty Officer ██████████ requested retirement in August, 1966. This request was also disapproved by CHNAVPERS in January, 1967, per reference (i), since the member had not achieved the necessary minimums for retirement eligibility.

5. As evident in the preceding two paragraphs, Ex-Chief Petty Officer ██████████ was afforded due process and was provided the opportunity to appeal these proceedings. In his current request, Ex-Chief Petty Officer ██████████ desires an appeal to the decision of the PEB on the basis that his civilian employer did not allow him to attend the PEB hearing in 1963. Reference (d) clearly states that failure to appear before the PEB for any reason revokes the member's authorization to appear before the PEB. We feel that Ex-Chief Petty Officer ██████████ was properly counseled and offered all rights and privileges available to him.

6. Regrettably, while we appreciate his dedicated service, we cannot support Ex-Chief Petty Officer ██████████ petition. The Navy met all its requirements and followed proper procedure when this case was originally adjudicated. He was properly discharged, and at the time of separation, was not eligible for retirement benefits.

7. Additional questions may be directed to PNCS ██████████ at (901) 874-4508 or DSN 882-4508.

