



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

TRG
Docket No: 10493-06
29 January 2008

[REDACTED]

Dear [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 23 January 2008. 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 reenlisted in the Navy Reserve on 16 April 1992. On 22 December 1994 you were notified of discharge processing by reason of your inability to meet physical standards because of multiple weight control failures. Subsequently, the recommendation for your discharge was approved and you were honorably discharged on 17 February 1995 with separation pay in the amount of \$14,857.07. At that time, you had completed 13 years, 6 months and 22 days of active service. Due to the distribution of the active duty points between anniversary years, you were credited with 15 years of service for reserve retirement.

A Statement of Service for Reserve Retirement indicates that you remained a member of the Navy Reserve until you were honorably discharged on 4 February 2004. This appears to be erroneous because you were discharged from the Navy Reserve on 17 February 1995. During this period, you earned no further qualifying years.

Your record shows that you failed to meet physical standards on multiple occasions and therefore were properly discharged on 17 February 1995. There is no documentation in your record and you have submitted none to support your contention that you should have been retired by reason of a physical disability. The Board

concluded that you were properly discharged and a correction to your record is not warranted.

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