



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

TRG
Docket No: 8324-07
5 May 2008

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 22 April 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 enlisted in the Marine Corps for four years on 22 February 1994. You then served in a satisfactory manner for about three years. In November 1996, you reported for duty to Marine Barracks, Guantanamo Bay, Cuba. On 17 November 1997 you were transferred for separation processing. Nine days later, you signed a service record entry agreeing to be separated on 26 November 1997 in lieu of remaining on active duty until the expiration of your four year obligation on 26 February 1998. You were released from active duty on 26 November 1997 with your service characterized as honorable. At that time, you had completed 3 years, 9 months and 5 days of active service. Your DD Form 214 indicates that you were paid for your unused leave. Subsequently, you were issued an honorable discharge at the end of your military obligation.

Regulations allow for early separation in cases such as yours when an individual returns from overseas with less than 90 days remaining until the expiration of his active duty requirement. This reason for separation is correctly documented on your DD Form 214. Since you agreed to separation and have been treated no differently than many others in your situation, the Board could not find an error or injustice in your early release from active duty.

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