



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

MEH
Docket No. 1469-08
8 Sep 08



Dear [REDACTED]

This is in reference to your client's application for correction of his 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 client's application on 8 September 2008. Your client's 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 client's application, together with all material submitted in support thereof, your client's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by NAVACAD SJA memo 5800 of 4 Mar 08, and OJAG memo 5420.1a Ser 13/4BC12751.08 of 6 Jun 08, copies of which are attached.

The Board members also considered your client's request for a personal appearance, however they found that the issues in the case were adequately documented and that a personal appearance with or without counsel would not materially add to the Board's understanding of the issues involved. Thus, your client's request for a personal appearance has been denied.

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 opinions. Accordingly, your client's 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 client's case are such that favorable action cannot be taken. You client is 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 also important to keep in mind that a presumption of regularity attaches to all official records.