



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

TRG  
Docket No: 2801-08  
15 January 2009

[REDACTED]

[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 13 January 2009. 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 Navy on 27 February 1970 and were honorably discharged on 22 April 1970 by reason of unsuitability. You enlisted in the Marine Corps on 2 December 1974 without disclosing your prior service in the Navy. When your prior service was discovered, you were processed for discharge due to fraudulent enlistment. On 27 January 1975, the separation authority directed a general discharge and you were so discharged on 31 January 1975.

In your application, you are requesting that the date of your discharge from the Marine Corps be changed from 31 January 1975 to 1 April 1975. Your reasons for this request are not stated in your application, but you apparently believe that if the change is made you will be eligible for some benefit.


As indicated in the foregoing, the separation authority approved your separation on 27 January 1975 which is certainly consistent with a discharge four days later on 31 January 1975. Since no other documentation is available, the Board concluded that you were properly discharged from the Marine Corps on 31 January 1975.

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