



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

SJN
Docket No: 10924-09
3 March 2010

[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 2 March 2010. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

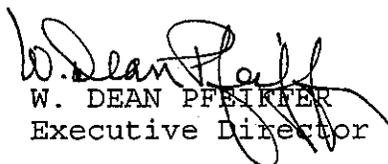
You enlisted in the Navy Reserve on 25 July 1996 after four years of honorable service with the Air Force. Based on the information currently contained in your record you enlisted for a period of three years, in the permanent rate of seaman (SN/E-3), and temporarily advanced to the rate of second class master-at-arms (MA2/E-5). On 25 July 1996, you signed an administrative remarks page (NAVPERS 1070/613) that stated that you had to fully qualify for the rate in which you had been temporarily advanced by completing certain requirements within 36 months in order for the rate to become permanent, and that failure to complete the requirements, would result in you being reverted back to your permanent rate of SN, and terminated from drill pay status. On 22 May 1997, by your own request, you were transferred to the inactive ready reserve (IRR). On 24 July 1999, you were discharged in the rate of SN.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service with the Air Force, brief period of service with the Navy Reserve, and civilian assignment with the police department that

led to your request to be transferred to the IRR due to, not being able to comply with naval regulations. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your permanent rate of SN. With this regard, the Board noted that you did not complete the requirements for the rate that you were temporarily advanced (E-5), you requested to terminate your affiliation with the Navy Reserve and be transferred to the IRR, and that you were properly reverted to your permanent rate of SN prior to your discharge. 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