



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

MEH
Docket No. 12349-09
1 Mar 10

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

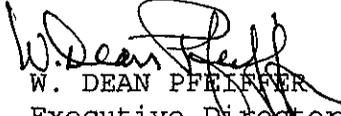
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 March 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Documents in your Official Military Personnel File (OMPF), to include your DD Form 214, show that you served on active duty from 31 October 2006 through 4 April 2008. This gives you total active duty service of 1 year, 5 months, and 4 days. Because you did not serve the entire term of your initial contract (4 years, with a 24 month extension), the unearned portion of your \$5,000 Enlistment Bonus (EB) is recoupable.

The Defense Finance and Accounting Service (DFAS), in correspondence dated 16 October 2009, in regards to the recoupment debt, inadvertently indicated you completed "2 years and 28 weeks of your commitment." Based on this error, and with no documentation to support your request, you petitioned the Board to correct your DD Form 214 to show that you had 2 years and 28 weeks of active duty service. On 4 December 2009 the Board sent you a letter requesting amplifying information regarding your petition. Your response of 15 January 2010 did not provide additional clarification, or amplification, and basically reiterated earlier statements. Accordingly, as you have provided no documentation that would support your request, and there is no documentation in your OMPF that shows you served on active duty for a period of "2 years and 28 weeks," vice "1 year, 5 months, and 4 days," 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 also 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

Enclosure