



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

LCC
Docket No. 823-10
14 Mar 11

[REDACTED]

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

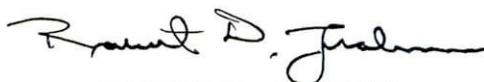
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 March 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. In addition, the Board considered the advisory opinion furnished by NPC memorandum 5420 PERS-832B, 19 October 2010, a copy of which is attached.

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 regarding constructive service for completion of a minority enlistment. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Review of your record shows that you served on active duty from approximately January 1966 to September 1975 (over 9 years). Thereafter you were affiliated with the US Navy Reserve until approximately 1989. The inactive participation summary that you submitted shows two years during which you did not participate at all in the reserves and two more years during which you did not obtain sufficient points to earn a creditable year. In August 1988, you requested to be transferred to the Retired Reserve (awaiting pay at age 60). In June 1989, in reply to your retirement request, by the enclosed letter, you were advised that you had only earned 19 years, 10 months and 3 days of qualifying service. No action was taken on your request in order to "give you the opportunity to continue your participation in the Naval Reserve until you ... completed the statutory requirements for retirement pay." There is no evidence that you earned any additional qualifying years after you were notified that you had insufficient service to qualify for retirement.

You have now requested to be granted additional constructive service for your minority enlistment. However, under the minority enlistment program, in order to be granted constructive service, a Sailor was required to complete the minority enlistment to within three months of the expiration of the enlistment. In your case, your minority enlistment expired on 25 January 1970. You reenlisted on 29 August 1969, more than 3 months before your minority enlistment expired. Because your reenlistment occurred more than three months before the expiration of the minority enlistment, you cannot be granted constructive service for the completion of that enlistment. Accordingly, your request to be granted constructive service for your minority enlistment 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. If you have any evidence that you earned reserve retirement points in excess of those shown on your inactive participation summary, you should advise this Board without delay.

Sincerely,



ROBERT D. ZSALMAN
Deputy Executive Director

Enclosures