



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

WJH  
Docket: 4954-10  
7 Sep 2010

[REDACTED]

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

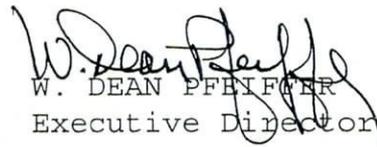
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 September 2010. Your allegations of error and injustice were reviewed in accordance with the administrative regulations and procedures applicable to the proceedings of this 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 the Commander, Navy Personnel Command (letter 5420 PERS 913 of 28 June 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. In this connection the Board substantially concurred with the comments contained in the advisory opinion. The Board found that you had ample opportunity to earn retirement points towards a satisfactory year between 1994 and 1997. Additionally, at age 57, you still have an opportunity to possibly re-affiliate with the reserves and complete the requirements to qualify for a Reserve retirement before reaching age 60. You did not perform any service or earn any points in excess of that already reflected on your Retirement Credit Record even though you had (and still have) the opportunity

to earn them. The Board found that under these circumstances, making a change to your Retirement Credit Record to add another qualifying year is inappropriate. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request. The Board wishes to encourage you, once again, to visit your nearest Reserve Activity for assistance in possibly reaffiliating well before you reach the age where you can no longer complete the requirements to qualify for a Reserve retirement.

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