



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TJR  
Docket No: 4269-12  
14 March 2013

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 12 March 2013. The names and votes of the members of the panel will be furnished upon request. 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.

On 3 August 2010 you enlisted in the Navy Reserve for a period of eight years with the understanding that you would participate in the Navy Nurse Candidate Program (NCP). At that time you signed a service agreement which stated in part, that "If I am disenrolled from the NCP prior to completion of my baccalaureate degree in nursing, or if I fail to accept appointment in the USN Nurse Corps, I will not be retained in an active duty or inactive reserve status."

Your record reflects that on 18 May 2011 the University of West Florida (UWF) informed you of your disenrollment from the UWF Nursing Program as per your request. On 20 May 2011 you submitted a letter to the Program Director, Navy Professions Scholarship Program, in which you stated that you had been

disenrolled from the nursing program at UWF. As a result of this action and in accordance with your service agreement of 3 August 2010, you were recommended for an administrative separation by reason of unsatisfactory participation in the Individual Ready Reserve/NCP. On 20 July 2011 you were advised of the foregoing pending administrative separation action, informed of your nonrecommendation for reaffiliation and/or reenlistment, and waived your procedural rights.

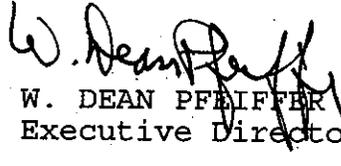
On 26 October 2011 your commanding officer recommended discharge under honorable conditions by reason of unsatisfactory participation as evidenced by failure to satisfactorily complete the requirements for appointment as a Nurse Corps Officer under NCP, failure to successfully progress in the baccalaureate nursing program at UWF, and disenrollment from the nursing program due to academic failure. This recommendation also recommended reimbursement to the government of all funds given to you, specifically, the sign-on and continuation bonuses. On 29 December 2011 the discharge authority approved the foregoing recommendations and erroneously directed you be transferred to the Stand-by Reserve (Inactive). However, this error was corrected on 17 February 2012 when the discharge authority directed your commanding officer to separate you under honorable conditions by reason of unsatisfactory participation in the Ready Reserve and have your record reflect a nonrecommendation for reenlistment and/or reaffiliation. On 10 March 2012 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to reenlist. It also considered your assertions of not being given honest feedback regarding your procedural rights, and that you were led to believe that you were to receive an honorable discharge and an RE-1 reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of your failure to satisfactorily complete the NCP as required by your service agreement. Finally, in the absence of any evidence that the general discharge and nonrecommendation for reenlistment or assigned RE-4 reenlistment code were in error, the Board concluded that sufficient evidence existed to support the discharge authority's decision. Accordingly, your application has been denied.

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