



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

JET
Docket No. NR6478-14
4 May 15



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 23 April 2015. 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 Naval Service Training Command (NSTC).

The Board member's also considered your request for a personal appearance, however they found that the issues in the case were adequately documented and that a personal appearance with or without counsel would not materially add to the Board's understanding of the issues involved. Thus, your request for a personal appearance has been denied.

After careful and conscientious consideration of the entire record, the Board notwithstanding the comments contained in the advisory opinion, concluded that your request did not warrant favorable action. In your response letter dated 15 January 2015, the Board determined that the 5 September 2012 Leadership Lab, which you characterize as a "battalion-wide" event, to be a Naval Science class. Your attendance of that class constitutes the beginning of the first day of your sophomore year. The Board further found that you attended the Naval Science 401 class that was rescheduled for 7 September 2012 by showing up and signing for a textbook for the class. Based on these two actions, the Board felt you incurred an obligation to the government for advanced educational benefits.

The Board found there was no error or injustice in the procedures used or the evidence considered in your disenrollment from the Naval Reserve Officers Training Corps (NROTC) unit at Boston-MIT (Massachusetts Institute of Technology). Further, the Board found that the education received, at government expense, enhanced your opportunity for increased life-long earnings and employment potential. It was noted that the Assistant Secretary of the Navy (Manpower and Reserve Affairs), acting on behalf of the Secretary of the Navy, approved your disenrollment, with recoupment of scholarship funds, on 1 November 2012. The Board found no compelling reason to disturb the Assistant Secretary of the Navy (Manpower and Reserve Affairs)'s decision. 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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,



ROBERT J. O'NEILL
Executive Director