



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

TRG
Docket No: 2538-01
16 August 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 14 August 2001. 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.

The Board found that you enlisted in the Naval Reserve on 17 November 1992 at age 18. You were honorably discharged on 23 August 1994 so that you could enter the Naval Reserve Officer Training Corps (NROTC) program. At that time you had completed 1 year, 9 months and 7 days of active service.

You are requesting that your record be corrected to show that you have two years of active duty so that you will be eligible for medical benefits from the Department of Veterans Affairs (DVA).

The Board noted that you had to be discharged in order to enter the NROTC program and were discharged on 23 August 1994, obviously in order for you to start the Fall semester. Since entering the NROTC program was a significant benefit, the Board believed that you would not have refused to enter the program simply to ensure eligibility for a future medical benefits. Further, it is clear that you are in the same situation as many others who were discharged to enter NROTC. Therefore, the Board concluded that there was no justification for service after 23 August 1994.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you may be eligible for medical benefits if you have a condition which is considered to be service connected. Therefore, if you have been denied benefits for a service connected condition, you should appeal that denial under procedures established by the DVA.

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