



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

TRG
Docket No: 7786-01
24 January 2002

Dear

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 23 January 2002. 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.

You enlisted in the Navy on 31 January 2001. On 25 July 2001 you were diagnosed as having vocal cord dysfunction and your separation from the Navy was recommended. On 27 July 2001 you were notified of administrative separation action because you had failed the medical or physical procurement standards. At that time, you elected to waive your procedural rights. After review, the separation authority directed an entry level separation and you were so separated on 2 August 2001.

You contend in your application that you should have been issued an honorable discharge because an entry level separation is only authorized if an individual is separated within the first 180 days of active duty, and you served for 183 days. However, regulations state that separation processing must begin within 180 days and the actual date of separation need not be within 180 days of entry on active duty. You were notified of separation processing on 27 July 2001, which is 178 days after you reported to active duty. Since you were separated in accordance with regulations, the Board could not find an error or injustice in your case.

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 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