



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

TRG
Docket No: 6026-02
17 December 2002

[REDACTED]

[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 10 December 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 for four years on 14 September 1993. Subsequently, you were processed for separation by reason of convenience of the government due to "pregnancy or childbirth." The documentation to support this processing is not filed in your service record. You were released from active duty on 4 January 1995 with your service characterized as honorable. The separation code entered on your DD Form 214 indicates that your separation was voluntary. At that time, you had completed 1 year, 3 months and 21 days of active service.

At the time of your enlistment, you elected to participate in the Montgomery G. I. Bill (MGIB) and you subsequently made the required nonrefundable \$1,200 deposit. In order to be eligible for benefits, an individual discharged for the convenience of the government must complete 30 continuous months of active service.

The one exception to this requirement is that an individual is entitled to payments for the number of months served if the separation is considered to be involuntary.

As indicated, the discharge processing documentation is unavailable and it cannot be determined if your separation was

voluntary or involuntary. Given the absence of evidence to the contrary, the Board concluded that you were voluntarily discharged for the convenience of the government.

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