



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

JRE
Docket No. 04381-03
4 August 2003



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 17 July 2003. 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 Navy on 2 August 1974. As you were not making adequate progress in training, you were referred for evaluation by an aptitude board. It was determined that you were unsuitable for service because of such factors as a lack of motivation, an inability to learn, and failure to put forth sufficient effort. In addition, you were found to be suffering from a personality disorder. As a consequence of those findings, you were recommended for separation from the Navy. Prior to your separation, you were advised to disclose any conditions that you felt would disqualify you from the performance of duty. You did not disclose any such conditions.

You were discharged by reason of unsuitability on 4 September 1974.

As there is no indication in the available records that you sustained any significant injuries during your brief period of military service, or were unfit for duty by reason of a physical disability incurred in or aggravated by your service, the Board was unable to recommend that your record be corrected to show that you were separated or retired by reason of physical disability. It noted that the entry in item 22 of your DD Form 214 indicates that you were paid for three days of earned, but not used leave. It does not indicate that you took three days of leave as you believe.

In view of the foregoing, 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