



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

TRG  
Docket No: 5865-08  
28 May 2009

[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 20 May 2009. 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 received nonjudicial punishment (NJP) on 2 November 2001 for fraternization and making a false official statement. The punishment imposed included forfeitures of pay and a letter of reprimand. Since then you have been ordered to several periods of extended active duty. On 13 May 2008 you were informed of your second failure of selection to major and that your discharge was required on or before 1 November 2008. You were also informed that you only had 11 years of qualifying service for reserve retirement purposes.

On 20 August 2008 you were informed that this Board had denied your request for removal of the NJP from your record. You subsequently applied to the Board complaining that your career retirement credit report (CRCR) was in error because it only showed 11 years of qualifying service when in fact you had 17 years. You believe that this error may have led to your failures of selection since it indicated that you were not participating when in fact you were on almost continuous active duty during this period.

A review of your record reveals that there are fitness reports in the record to cover the period which were not shown on the CRCR and that these reports were considered by the selection board.

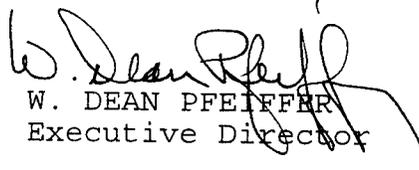
The Board believed that the NJP clearly contributed to the failures of selection.

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

The Board was aware that the CRCR has been corrected and that as of 25 January 2009 you were credited with 18 years of qualifying service. Because you have 18 years of qualifying service you have been retained to qualify for retirement.

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