



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD SUITE 1001  
ARLINGTON VA 22204-2490

BAN  
Docket No. NR08872-13  
29 July 2014

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 July 2014. 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. The Board also carefully considered the advisory opinion provided by the Staff Judge Advocate at the U.S. Naval Academy dated [REDACTED] a copy of which was provided to your counsel, with enclosures, and which is now enclosed. The Board also considered your counsel's response, dated 24 May 2014 to the advisory opinion.

Additionally, you also requested a personal appearance before the Board. The Board members considered your request for a personal appearance, however, they found that the issue in the case was adequately documented and that a personal appearance with or without counsel would not materially add to the Board's understanding of the issues involved. Thus, your request for a personal appearance has been denied.

Your application requested, essentially, that your education debt be set aside or retention in the U.S. Naval Academy. The Board carefully considered all of the arguments raised in your application and the evidence your counsel submitted regarding those claims. However, the Board was not persuaded by any of the arguments of counsel or the evidence you submitted that in that it would be in the interests of justice to set aside your debt.

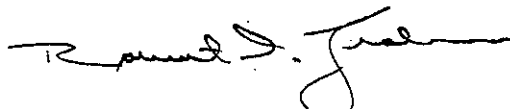
Therefore, after careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In making this determination, the Board concurred with the comments and

recommendation contained in the advisory opinion of the Staff Judge Advocate of the Naval Academy. Therefore, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Finally, the Board did note that you are still entitled to serve in military service in lieu of paying your educational debt as long as you meet all the prerequisite requirements. If you choose to do so, you may request an administrative correction through DFAS once your obligation in service has been satisfied for a waiver of your educational debt.

It is regretted that the circumstances of your case are such that more favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matters not previously considered by the Board. In this regard, it is also 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,



ROBERT D. ZSALMAN  
Acting Executive Director

Enclosure