



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

JLP:ddj  
Docket No: 2912-98  
9 February 1999

[REDACTED]

Dear [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 9 February 1999. 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. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 N130C3/244-98 of 22 December 1998, a copy of which is attached.

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 this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure




DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
WASHINGTON, DC 20350-2000

IN REPLY REFER TO  
7220  
N130C3/244-98  
22 DEC 98

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS


Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  


Ref: (a) DODFMR, Volume 7A, Jul 96

Encl: (1) BCNR Case File #02912-98 w/Microfiche Service  
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. The petitioner is requesting reinstatement of leave he lost when he was discharged from active duty on 31Mar98 for medical reasons.
3. A review of the petitioner's Master Military Pay Account (MMPA) revealed that he had sold a total of 60 days LSL and lost 30 days accrued leave during his discharge on 31Mar98. In accordance with reference (a), para. 350101-A, effective on 10 February 1976, a military member can be paid no more than 60 days of accrued leave during a military career. Therefore, N130C recommends disapproval for recoupment of lost leave.

  
Head, Pay and Allowances  
Section (N130C)