



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 5350-98

11 May 1999

[REDACTED]  
[REDACTED]  
[REDACTED] USN

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 11 May 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 N130C3/040-99 of 19 March 1999, 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  
N130C3/040-99  
19 Mar 99

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  
PN1 (AW/SW) [REDACTED] USN, [REDACTED]

Ref: (a) SECNAVINST 1900.7G,

Encl: (1) BCNR Case File #05350-98 w/Microfiche Service  
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. The petitioner is requesting payment of Separation Pay upon his involuntary separation on 30 SEP 92.
3. A review of enclosure (1), and based on the information in the Electronic Military Personnel Records System (EMPRS) service record, the petitioner joined the Naval Reserve on 11 MAY 90 after his discharge on 24 FEB 89. He was recalled to active duty for special work (ADSW) on 23 DEC 91 and released from ADSW on 30 SEP 92 due to military end strength reduction.
4. Per reference (a), a reserve enlisted member must have a minimum of six years continuous active duty service immediately prior to separation in order to be eligible for involuntary separation pay. The member only served 9 months and 11 days of ADSW (23 DEC 91 - 30 SEP 92) when he was involuntarily terminated from active duty on 30 SEP 92. Therefore, the petitioner is not entitled to involuntary separation pay.

[REDACTED]  
Assistant Head, Pay and  
Allowances Section (N130)