



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

JLP:ddj  
Docket No: 5622-98  
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 SER N130C3/002-99 of 8 January 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

7220<sup>IN</sup> REPLY REFER TO  
Ser N130C3/002-99  
8 Jan 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  


Ref: (a) NAVADMIN 236/97

Encl: (1) BCNR Case File  w/Microfiche Service  
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. The petitioner is requesting reinstatement of 13 days excess leave (17 MAY 98 to 29 MAY 98) due to the fact that he extended his old EAOS for 22 months.
3. Verification of the petitioners Master Military Pay Account (MMPA) revealed that his old EAOS was 7 SEP 98 when he agreed to extend for 22 months to a new EAOS of 7 JUL 00 and that he had a negative 26 days leave balance at the beginning of FY-98. Additionally, he took leave (14 FEB 98 to 4 MAR 98) while in a negative leave balance status and this resulted in a excess leave checkage (13 days) against his pay account on 2 JUL 98.
4. IAW with reference (a), the practice of carrying over a negative leave balance to an extended enlistment/reenlistment was discontinued effective 10 JAN 98. Therefore, the petitioner is not eligible for the reinstatement of 13 days excess leave (17 MAY 98 to 29 MAY 98).

  
Head, Pay and Allowances  
Section (N130C)