



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

JLP:ddj
Docket No: 8881-97
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 N130C3/254-98 of 23 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

7220 ONLY REFER TO
Ser N130C3/254-98
23 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) SECNAVINST 7220.77D

Encl: (1) BCNR Case File #08881-97 w/Microfiche Service
Record

1. The following recommendation concerning enclosure (1) is provided.
2. The petitioner is requesting retroactive sea duty credit (13Nov96 to 7Oct97) on his sea duty counter during his tour with Commander Submarine Group TEN (ACC 320 - member detached from last permanent duty station (PDS) pending further assignment to new PDS).
3. Per reference (a), when the petitioner transferred on 13 Nov 96 to Commander Submarine Group TEN, his CSP entitlement terminated that day. The petitioner cannot be authorized CSP for a period (13Nov96 to 7Oct97) that he was not serving on board a CSP qualifying vessel. CSP entitlement is based on law (Title 37, U.S.C., Section 305a) and no Service Secretary waiver authority exists for this matter.
4. Therefore, N130C does not recommend approval of the petitioner's request for retroactive credit of CSP (13Oct96 to 7Oct97).


Head, Pay and Allowances
Section (N130C)