



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 1408-01
30 May 2001

[REDACTED]

[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 30 May 2001. 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 BUPERS memorandum 1830 PERS 823 of 1 May 2001, 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
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1830
Pers823
Ser 093
1 May 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENTS AND RECOMMENDATIONS ICO [REDACTED]

Ref: (a) Pers-00XCB ltr of 4 Apr 2001
(b) 10 U.S.C. 1201
(c) 10 U.S.C. 6330
(d) 10 U.S.C. 6326

Encl: (1) BCNR File with Microfiche Service Record

1. Reference (a) requested comments and recommendations in subject member's case. Specifically, Petitioner requests correction to his statement of service and retired pay account to include credit for constructive service.

2. Petty Officer [REDACTED] was transferred from active duty to the Temporary Disability Retired List on 14 Feb 1981 and later transferred to the Permanent Disability Retired List on 14 Feb 1986. Review of references (b) through (d) indicate that constructive service credit is only authorized for personnel who are transferred to the Fleet Reserve or the Retired List under the provisions of reference (c) and (d).

3. Based on paragraph 2 above, it is recommended that Petty Officer [REDACTED] petition be denied. Enclosure (1) is returned.

[REDACTED]
Head, Enlisted Retirements Branch