



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

MEH:ddj
Docket No: 3597-01
27 November 2001



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 27 November 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 CNO memorandum 7220 Ser N130C3/01U1332 of 29 October 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, with the exception of the recommendation to send the case to Pers-814 for consideration. Pers-814 has no cognizance over recoupment issues. 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
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO
7220
Ser N130C3/01U1332
29 Oct 2001

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) DFAS-HQ/FMM Memo of 11 Sep 1995
(b) DODMFR Vol. 7A, Chapter 35, Dec 1994

Encl: (1) BCNR Case File #03597-01 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.

2. Enclosure (1) indicates a request by the petitioner to have his separation program designator (SPD) code of "JFX" (personality disorder not a disability) changed to prevent collection of the remaining installments of his Selective Reenlistment Bonus (SRB) during his discharge from active duty on 7 Sep 00.

3. According to the petitioner's DD-214 he was administratively discharged under SPD code of "JFX" defined as "personality disorder-not a disability". Reference (a) changed reference (b), effective November 1995 to require recoupment of all unearned bonuses if the member was administratively discharged from the Navy for personality disorder. The fact that the petitioner was discharged involuntarily has no bearing on the issue of recoupment of bonuses IAW reference (b).

4. N130C recommends disapproval of the petitioner's request to stop collection, and the case be forwarded to Pers-814 for consideration.



Assistant Head, Pay and
Allowances Section (N130C)