



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

LCC:ddj
Docket No: 5391-01
2 October 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 2 October 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 NPC memorandum 5420 Pers 911 of 5 September 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

5420
Pers-911
5 Sep 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
[REDACTED]

Ref: (a) CNETINST 1533.12F of 14 May 98
(b) 42 COMPGEN 669; B-150780, June 7, 1963
(c) 45 COMPGEN 363; B-158027, December 20, 1965
(d) Title 10 U.S.C.
(e) MILPERSMAN 1070-020
(f) NRPC ltr 1070 N212 of 15 Jun 01

Encl: (1) BCNR memo 5420 PERS-00ZCB of 29 Aug 01

1. Enclosure (1) is returned with the recommendation that CAPT [REDACTED]'s request, to add 126 days of additional active duty to his Statement of Service for Naval Reserve retirement, be denied.

2. Per reference (a), the summer training period held annually for NROTC midshipmen students is normally four to eight weeks in length for each of the three summers a scholarship student is in the NROTC program. References (b) and (c) authorized the active service of an officer as a midshipman as creditable service under section 1405 of reference (d). In accordance with reference (e), documents that reflect an officer's entitlements, and affect or influence a member's career and benefits, will be filed in the permanent personnel record maintained by COMNAVPERSCOM. Therefore, this service, when performed, should have been documented in the member's permanent personnel record.

3. A review of CAPT [REDACTED]'s permanent personnel record shows that he accepted an appointment as a midshipman in the NROTC program on September 23, 1960, and was later commissioned as an Ensign in the U.S. Navy on June 3, 1964. As an NROTC midshipmen student, each summer training period should have been authorized via official Navy orders. These orders would have been endorsed upon both his arrival and departure and would have been required when he filed his travel claim at the end of the cruise. CAPT [REDACTED]'s permanent personnel record contains no such orders, nor

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[REDACTED]

any other documentation, (for example, page 13 entries, pay vouchers, travel or subvouchers, training records etc.), to validate his claims that his summer training periods were performed.

4. The number of actual days served by NROTC students on each summer training cruise can vary from as little as 21 to as many as 56. Additionally, students are sometimes excused from a summer training period for valid reasons. Because of these variations, specific documentation is required to verify the actual number of days spent on summer training cruises before an adjustment can be made to a retirement point record.

5. Accordingly, in the absence of any such documentation, we recommend CAPT [REDACTED]'s petition be denied. We also recommend he continue to pursue this matter as advised in reference (f). Documentation does not have to be provided before his retirement pay eligibility date in May 2002. Documentation that is submitted after May 2002 would result in a retroactive payment of any additional retirement pay entitlement.

6. We regret a more favorable response is not possible in this instance. Point of contact in this matter is Mr. [REDACTED] at DSN 882-4497 or commercial (901) 874-4497.

[REDACTED]

[REDACTED]

Director, Naval Reserve Personnel
Administration Division