



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

JLP:ddj
Docket No: 8158-00
03 April 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 03 April 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 N130C3/01U102 of 13 March 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



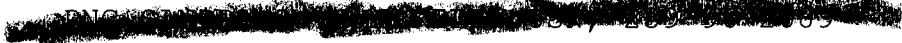
DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

7220
Ser N130C3/01U102
13 Mar 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) DODFMR, Volume 7A, Chapter 35, Feb 00

Encl: (1) BCNR Case File #08158-00 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request to transfer 30 days lump sum leave (LSL) sold during a previous reenlistment of 22 Feb 85 to a current reenlistment contract (2 years agreement) of 25 Jun 99 and to be compensated for the differences between E7 base pay and E4 base pay.
3. IAW reference (a) Table 35-3, Rule-1 members separating who immediately reenlist on active duty may sell lump sum leave at the time of reenlistment. IAW Reference (a) Table 35-5 Note 6, computation of cash settlement of accrued leave on and after September 1, 1976 will be on the basis of basic pay at the time of reenlistment. There is no provision under the law to be compensated for differences in pay grades.
4. N130C recommends disapproval of the petitioner's request IAW reference (a).


Assistant Head, Pay and
Allowances Section (N130C)