



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

LCC:ddj
Docket No: 8073-01
10 September 2002

[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 10 September 2002. 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 7220 Pers 822 of 17 April 2002 & DON OFC of SEC 1650 NDBDM 001 8 March 2002, 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
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

7220
PERS-822
17 Apr 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED] WOOD [REDACTED]

Ref: (a) NPC memo 5420 PERS-00ZCB of 27 Mar 02
(b) SECNAVINST 1650.1F section 212

Encl: (1) BCNR file

1. Reference (a) request comments and recommendations in subject officer's case. Specifically, petitioner requests benefits of Extraordinary Heroism award, to include 10% increase of retainer pay.
2. Per reference (b), only those personnel who are transferred to the Fleet Reserve are accorded the increase of retainer pay for Extraordinary Heroism. [REDACTED] retired as an officer, therefore he would unfortunately not receive any of the benefits he is requesting. This concurs with the opinion sent in by CDR Fletcher.
3. Enclosure (1) is returned.

[REDACTED]
Assistant Branch Head,
Officer Retirements



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D. C. 20350-1000

1650
NDBDM 001
8 March 2002

MEMORANDUM FOR BOARD FOR CORRECTION OF NAVAL RECORDS

SUBJECT: Request for Advisory Opinion ICO [REDACTED]

1. This case pertains to a pay policy issue, not an award issue. The service member was properly awarded the Silver Star Medal on 1 September 1969. His case was also reviewed for Extraordinary Heroism (EH), and that was approved on 25 September 1969.

2. [REDACTED] claims that being accorded the benefits of EH is a personal award. EH was an issue ancillary to his personal award, but it is not an award in and of itself (medal or decoration). Title 10, Section 6330 of the United States Code is clear that retainer pay is increased by 10 percent only for those members transferring to the Fleet Reserve. Since [REDACTED] chose to retire as an officer, and not as an enlisted member, the wording of Section 6330 appears to preclude any increase in retainer pay for reason of EH (whether or not that is fair is another issue).

3. I reiterate that this is an opinion from an awards perspective. I recommend you seek another opinion from an office concerned with pay policy issues, particularly those of retired personnel.

[REDACTED]
Commander, U.S. Navy