



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

LCC:ecb
Docket No: 5123-03
5 August 2003



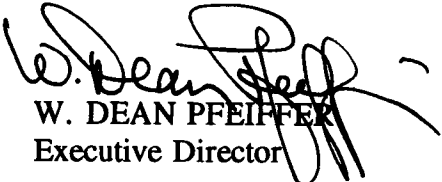
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 August 2003. 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 40CC dated 24 July 2003, 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

5420
PERS 40CC
JUL 24 2003

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for Board for Correction of Naval Records
Matters (Pers-00ZCB)

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) INQUIRY ICO
[REDACTED]

Issue: [REDACTED] is requesting that he be granted COT entitlement in connection with Permanent change of station (PCS) transfer from USS FRANK CABLE to Naval Special Warfare Unit One (NSWU ONE).

Background:

- [REDACTED] submitted a request for transfer from USS FRANK CABLE in order to except orders to fill an E6 billet at NSWU ONE located in Guam.
- PCS orders were issued and [REDACTED] transferred from USS FRANK CABLE 3 Feb 2003, five months shy of completing the 24 month prescribed DOD area tour.

Recommendation:

This office recommends denial of [REDACTED] request. JFTR U7200 specifically states that the total time to be served at the permanent duty stations (PDSs) must equal the sum of the unaccompanied tour lengths for the PDSs. This policy is based on Public Law which regrettably can not be waived.

Point of Contact:

- Mr. [REDACTED], DSN: 882-3550 or Coml: (901) 874-3550.

[REDACTED]
Special Assistant
Enlisted Assignment Division