



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

HD:hd  
Docket No. 01445-09  
11 June 2009

[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 11 June 2009. 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 the Navy Personnel Command dated 20 April 2009 with enclosure, a copy of which is attached. The Board also considered your letters dated 3 March and 18 May 2009.

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.

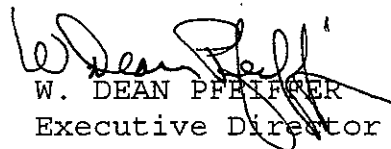
The Board noted that your letter of 4 August 1992 to the Secretary of the Navy requested retirement as a lieutenant, so it was unable to find your medical condition impaired your ability to seek retirement in that grade. The Board was likewise unable to find you were entitled to retire in a grade other than chief warrant officer (CWO4), even if the Bureau of

Naval Personnel Officer placement office did tell you that you would retire as a lieutenant and you would not have accepted appointment as a CW04 had you not been told that.

In view of the above, 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

1810  
PERS-822  
20 Apr 09

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters, PERS-31C

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) NPC memo 5420 PERS-31C of 23 Mar 09

Encl: (1) Basic Pay Chart Effective 1 Jan 93  
(2) BCNR file

1. Reference (a) requests comments and recommendations in subject officer's case. Specifically, Petitioner requests reinstatement to the pay grade of Lieutenant (O-3E), the highest grade he successfully held.
2. Member did serve honorably as a Lieutenant (O-3E) from 1 May 1983 to 2 November 1988. He retired as a CWO4 on 30 September 1993. Enclosure (1), from which retired pay is derived, shows basic pay for Lieutenant (O-3E) as \$3403.20 and basic pay for CWO4 as \$3430.90 effective 1 January 1993.
3. Since CWO4 retired pay is higher than Lieutenant (O-3E) retired pay, recommend that member remain at his current paygrade of CWO4. Enclosure (2) is returned.

*Kimberly Riddle*

K. S. RIDDLE  
Branch Head, Officer Retirements

MAY -1 2009