



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JET
Docket No. NR3560-13
24 Mar 14

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 March 2014. 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 opinions furnished by CNO Memo 5400 Ser N133/463 of 17 Sep 13 and CNO Memo 5400 Ser N133/507 of 6 Nov 13, copies of which are attached and were previously furnished. The Board also considered your response dated 21 October 2013 to the advisory opinion dated 17 September 2013.

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 making this determination, the Board substantially concurred with the comments contained in the advisory opinions. In particular, the Board found that there was no error or injustice in the decision to recoup the "unearned portion" of the Nuclear Officer Incentive Pay (NOIP), Nuclear Officer Continuation Pay (COPAY) that you are no longer eligible to receive. After you were placed "Not Cleared" in the screening for "Nuclear Submarine Department Head" you became ineligible to continue receiving the COPAY, and was told that you would "be required to repay a portion of your last Continuation Pay installment." [CNPC ltr 1200 Ser 42/1162 of 9


Jun 11, see attached.] Furthermore, the Board found that though you claim to have tried returning the money to the Defense Finance and Accounting Service (DFAS), you provided no proof of that, and you admitted to spending the money minus the taxes that you knew you were required to repay.

The Board members also considered your request for a personal appearance; however, they found that the issues in the case were adequately documented and that a personal appearance would not materially add to the Board's understanding of the issues involved. Thus, your request for a personal appearance has been denied.

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,



ROBERT D. ZSALMAN
Acting Executive Director

- Enclosure: 1. CNO Memo 5400 Ser N133/463 of 17 Sep 13
2. CNO Memo 5400 Ser N133/507 of 6 Nov 13
3. CNPC Memo 1200 Ser 42/1162 of 9 Jun 11