

## DEPARTMENT OF THE NAVY

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

LCC:ddj

Docket No: 7218-98 30 March 1999



Dear I

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 30 March 1999. 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 BUPERS memorandum 1830 PERS 823 SER 267 of 5 February 1999, 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



## DEPARTMENT OF THE NAVY

## MAVY PERSONNEL COMMAND 5720 INTEGRITY DRIVE MILLINGTON TN 38055-0000

1830 Pers823 Ser 267 5 Feb 1999

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

Subj: COMMENTS AND RECOMMENDATIONS ICO EX

Ref: (a) Pers-00XCB ltr of 5 Jan 1999

Encl: (1) BCNR File with Microfiche Service Record

- 1. Reference (a) requested comments and recommendations in subject member's case. Specifically, Petitioner requests reinstatement to paygrade E-6.
- 2. A review of the service record for an indicates he was transferred to the Fleet Reserve under the Temporary Early Retirement Authority (TERA) on 2 October 1996 at the direction of the Secretary of the Navy vice administrative separation for his documented misconduct. No request was received for reinstatement prior to his transfer to the Fleet Reserve and no provision exists for reinstatement while in the Fleet Reserve. His case may be reviewed for possible advancement to his highest enlisted grade held, based on the provisions of 10 USC 6334, when he is eligible to be transferred to the Retired List at the completion of 30 years total active and inactive service, which is 22 Mar 2007.
- 3. It is recommended that petition for correction to his records be denied for the reasons stated above. Enclosure (1) is returned.

