



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

LCC:ddj
Docket No: 1292-01
30 October 2001

[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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 October 2001. 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 CNP memorandum 7220 Ser N130C3/01U1302 of 15 October 2001, 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
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO
7220
Ser N130C3/01U1302
15 Oct 2001

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


Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO


Ref: (a) CNO Washington DC MSG 061455Z Nov 00
(b) SECNAVINST 1900.7G

Encl: (1) BCNR Case File #01292-01 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request for separation severance pay upon the petitioner's discharge on 18 Dec 00.
3. A review of the petitioner's DD-214 revealed that he was assigned a voluntary separation program designator (SPD) code of "KBK" (completion of required active service) on his separation. Reference (a) E4 and E6 High Year Tenure (HYT) service limits were adjusted by a minimum of two years of obligated active duty service. The petitioner was discharged on 18 Dec 00, missing his HYT date by 2 years. This made him ineligible to receive involuntary separation pay IAW reference (b).
4. A member's separation from active duty must be characterized as involuntary in order to qualify for involuntary separation pay. N130C recommends disapproval of petitioner's request for separation pay IAW reference (b).


Assistant Head, Pay and
Allowances Section (N130C)