



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

JLP:ddj
Docket No: 2104-00
24 October 2000

[REDACTED]

[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 24 October 2000. 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 CNO memorandum 7220 N130C3/0U0498 of 21 September 2000, 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
N130C3/OU0498
21 Sep 2000

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
FMR MBR [REDACTED] AM, USN, [REDACTED]

Ref: (a) PHONCON N130C3 (DK2 [REDACTED] and DFAS-CL (ADSW Section)
Ms. [REDACTED] of 24 May 2000

Encl: (1) BCNR Case File #02104-00 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request to reinstate all pay and allowances due to a negative leave balance that occurred during the petitioner's continuation of active duty for special work orders with less than 24 hours between active duty periods.
3. A review of enclosure (1) revealed that the petitioner had two sets of orders for active duty for special work from (1 Jun 99 to 1 Nov 99) and (2 Nov 99 to 31 Mar 00). His leave balance for this period of active duty would be 25 days. A review of his Master Military Pay Account (MMPA) shows two leave periods were taken (13 Oct 99 to 30 Oct 99) and (17 Mar 00 to 23 Mar 00) for a total of 25 days. After the first leave period was charged, a negative leave balance was created due to an administrative error made before his second set of active duty orders went into effect. Corrections were made to his account in Dec 99 and Jan 00 to correct the negative leave balance per reference (a).
4. A review of MMPA leave section revealed that the petitioner was on leave from 17 Mar to 23 Mar 00. This leave period should have brought his leave balance to zero at separation. However a late posting of this leave to his MMPA caused an erroneous payment of 4.5 days of LSL, resulting in an overpayment in the amount of \$384.13 at separation on 31 Mar 00.

5. N130C recommends disapproval of the petitioner's request to restore all pay and allowances and advises the petitioner to make arrangement for restitution in the amount of \$384.12 to the U.S. Government.

A handwritten signature in cursive script that reads "Stephen Miller Lt, USA".

S. J. Miller
Assistant Head, Pay and
Allowances Section (N130C)