



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

JLP:ddj
Docket No: 4403-01
10 October 2001

[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 10 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 CNO memorandum 7220 SER N130C3/01U1269 of 24 September 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 N130C3/01U1269
24 Sep 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
[REDACTED]

Ref: (a) OPNAVINST 1560.8A of 2 Feb 1990
(b) DODFMR, Volume 7A, Chapter 35, February 2001
(c) Military Pay Advisory (MPA) 81/00

Encl: (1) BCNR Case File #04403-01 w/Microfiche Service
Record


1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request for reinstatement of 22 days that was lost at the end of FY 00 to sell back upon accepting an commissioning in the Enlisted Education Advancement Program (EEAP).
3. A review of enclosure (1) revealed that the petitioner had accepted orders to participate in the Enlisted Commissioning Program (ECP). In accordance with reference (a) selectee enrolling in Enlisted Education Advancement Program (EEAP) will be obligated six years of service commencing prior to transferring to administrative command. Selectee will remain on active duty as an Enlisted member in the status of petty officer third class or above and will receive full pay and allowances and may compete for advancement.
4. Upon completion of the program the Officer Candidate will be administratively discharged and will convert from enlisted to officer status without a break in military service to accept a commission. IAW reference (b), paragraph 350101(A) a member who is discharged under honorable conditions is entitled to payment of unused accrued leave unless the member continues on active duty under conditions which require accrued to be carried forward.

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5. Defense Joint Military Pay System-Active component (DJMS-AC) uses the Last-In-First-Out (LIFO) rule to determine what leave is charged when a member uses leave. IAW reference C, DFAS-Cleveland received a ruling that LIFO is the correct method and effective immediately DFAS-CL will no longer make adjustment of leave balances to minimize leave lost at the end of the FY based on the LIFO rule.

6. In this case the petitioner will not be discharged from the service. She will be converted from enlisted to officer status without a break in military service. Therefore, N130C recommends disapproval of the petitioner's request to sell back 22 days LSL IAW references (b) and for reinstatement of 22 days that was lost at the end of FY 00 IAW reference (c).



Assistant Head, Pay and
Allowances Section (N130C)