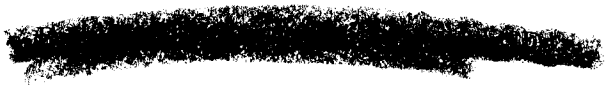




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 6973-01
30 October 2001



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 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 5420 Ser N133D/000281 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

5420

Ser N133D/ 000281

OCT 15 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS




Via: Assistant for BCNR Matters (PERS-00XCB)


Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF


Ref: (a) SECNAVINST 7220.80E

Encl: Docket Number 06973-01

1. Forwarded, recommending disapproval.

2. On 14 December 2000 Petty Officer  transferred from a submarine to ACC 105 (limited duty (LIMDU)- assignment restricted for medical reasons). Reference (a) states that submarine designated Sailors who are placed in a LIMDU status are qualified for submarine duty unless their LIMDU continues for a period of more than six months and that eligibility for CONSUBPAY will be terminated after six months. On 14 June 2001 Petty Officer  was still in a LIMDU status and his CONSUBPAY was stopped. On 06 August 2001 he was found fit for full duty and physically qualified for submarine duty by an undersea medical officer, and per reference (a), his CONSUBPAY was restarted on this date. Petty Officer  was not entitled to CONSUBPAY for the period of time between the expiration of six months on limited duty (14 June 2001) and his being found medically qualified for return to a submarine assignment (06 August 2001).


Submarine Pay
Program Manager