



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

LCC:ddj
Docket No: 50-02
10 September 2002



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 September 2002. 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 N130C3/02U0256 of 28 May 2002, 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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO


4. IAW reference (b) members enrolled in this program will be ordered to active duty for periods of 45 days each year of participation in the program. In no case shall any member be required to serve on active duty for any other period while participating in the program. Upon completion of the program participants incur an active duty obligation of a 3-year term of service on active duty.

5. IAW reference (c), para. U5705-C, there is no DLA entitlement in connection with a PCS from the last PDS in one period of service to the first PDS in another period of service when there was no ordered PCS between those stations. In addition, per reference (c) para. U5705 Note: TLE is payable incident to a move when entering active duty to the first PDS for officer members with orders issued on or after 1 January 2002. A review of enclosure (1), revealed that the petitioner's order was issued April 2001.

6. Therefore, N130E recommends disapproval of the petitioner's request for payment due to the petitioner is not eligible for DLA and TLE IAW Reference (c).


Head, Travel and Transportation
Allowances Section (N130E)