



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

LCC:ddj  
Docket No: 817-02  
14 May 2002

[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 14 May 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 N130G/02U0108 of 13 March 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



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-2000

7220<sup>N</sup> REPLY REFER TO  
Ser N130G/02U0108  
13 Mar 2002

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

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED]

Ref: (a) U.S.C., Title 10, Section 1401  
(b) U.S.C., Title 10, Section 1407  
(c) U.S.C., Title 10, Section 513  
(d) Public Law 99-348  
(e) Public Law 96-342  
(f) Public Law 96-513

Encl: (1) BCNR Case File #00817-02 w/Microfiche Service  
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1), the petitioner is requesting to alter his Delayed Entry Program (DEP) date of 26 June 1986 and substitute it with his Active Duty Service Date (ADSD) of 22 August 1986.
3. Background: In accordance with reference (a) through (f), the meaning of "first became a member" and the corresponding data element "DIEMS" pertains to the earliest date of member's enlistment in the Delayed Entry Program (DEP). DEP qualifies as time in the Inactive Ready Reserves (IRR) under the Navy's reserve component of the uniformed services. The member's DIEMS date not only establishes the beginning of his military service obligation, but also establishes by law which retirement system he is entitled to.
4. The National Defense Authorization Acts of 1981 and 1986 excluded members who were already in the regular and reserve service from the new retired pay computational methods in order to avoid changing the rules and adversely affecting retention. The same is true of the National Defense Authorization Act of Fiscal Year 2000, which repealed the REDUX Retired Pay system and placed affected members under the High-3 retirement system.

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[REDACTED]

5. However, it offered those who initially became members on or after August 1, 1986 the option to elect the Career Status Bonus and REDUX on their 15<sup>th</sup> anniversary of active duty if they agreed to remain continuous on active duty to their 20<sup>th</sup> anniversary. Since the petitioner's DIEMS date proceeds August 1, 1986, he is not eligible for the Career Status Bonus and REDUX Retired Pay System.

6. Therefore, N130G recommends disapproval of the petitioner's request.

[REDACTED]

Head, Retired, Reserve and  
Medical Pay Section (N130G)