



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

LCC:ddj
Docket No: 1583-02
5 November 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 5 November 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 Memorandum 5420 Pers 40CC of undated, 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

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

Via: Assistant for Board for Correction of Naval Records
Matters (Pers-00ZCB)

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) INQUIRY ICO
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Issue: ██████████ is requesting that he credited back 15 days of leave used during PCS transfer from USS SAM HOUSTON (SSN-609) to COMSUBPAC and another 15 days of leave used during PCS transfer from COMSUBPAC to USS KAMEHAMEHA (SSN-642) BLUE CREW.

Background:

██████████ reported aboard SSN-609 24 May 87, transferred on 31 Jan 91 to COMSUBPAC located in Pearl Harbor, HI, reported aboard COMSUBPAC 25 Mar 91 and transferred on 1 Mar 94 to SSN-642 BLUE CREW in Pearl Harbor, HI.

██████████ states that he was told by his Detailer he would be authorized a trip to his home of record and 15 days of non-chargeable leave upon each transfer.

- In accordance with Joint Federal Travel Regulations (JFTR) U7200, members are entitled to consecutive overseas tour (COT) travel not to exceed distance to home-of-record for completing back-to-back DOD tours.

Recommendation:

This office recommends denial of YNC ██████████ request. No entitlement exists authorizing 15 days of non-chargeable leave and a flight to home of record upon transferring to serve back-to-back overseas tours. Additionally, Title 28, United States Code, section 2401 states action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues.

Point of Contact:

- Mr. ██████████ DSN: 882-3550 or Com1: (901) 874-3550.

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Special Assistant
Enlisted Assignment Division