



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

LCC:ddj
Docket No: 4354-02
20 August 2002

[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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 August 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 NPC memorandum 5420 Pers 911C of 22 July 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
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

IN REPLY REFER TO

5420

PERS-911C

22 Jul 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
██

Ref: (a) CNETINST 1533.12F of 14 May 98
(b) 42 COMPGEN 669; B-150780, June 7, 1963
(c) 45 COMPGEN 363; B-158027, December 20, 1965
(d) Title 10 U.S.C.

Encl: (1) BCNR memo 5420 PERS-OOZCB of 28 Jun 02

1. Enclosure (1) is forwarded with the following comments and recommendations concerning ██████████'s request to correct his Statement of Service for Naval Reserve Retirement by receiving credit for his midshipman summer cruises of 1969 and 1970 adding an additional 82 days of active duty.

2. As contained in reference (a), summer training periods held annually for NROTC midshipmen students are normally four to eight weeks in length for each of the three summers a scholarship student is in the NROTC program. References (b) and (c) authorized the summer training of an officer as a non-academy midshipman as creditable service under section 1405 of reference (d).

3. Review of ██████████'s official record shows that he accepted an appointment as a midshipman in the NROTC program on 23 September 1968, and was later commissioned as an Ensign in the U.S. Navy on 26 May 1973. As an NROTC midshipman, each summer training period required orders. These orders would have been endorsed upon both his arrival and departure and would be required when he filed this travel claim at the end of the cruise. Regrettably, ██████████'s official record contains no orders, but only the documentation to support the summer cruise in 1972 which is already reflected in his Naval Reserve Retirement Point Capture.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
[REDACTED]

4. Although we have no reason to doubt [REDACTED] claim, our policy has been to require documentation in cases that affect monetary entitlements. We have specifically insisted on this standard over the years to support the award of retirement points. Therefore, we recommend that [REDACTED] petition be denied.

5. CAPT [REDACTED] completes 30 years of commissioned service and is scheduled for transfer to the Retired Reserve on 1 June 2003. He has accumulated approximately 3773 points towards a Naval Reserve retirement, which he will become eligible to receive on his 60th birthday in July 2010. We suggest he continue to search for records/documentation of performance of his summer cruises. Such points can be credited at any time in the future should such information be provided to us.

6. We regret a more favorable response is not possible in this instance. Point of contact in this matter is Ms. [REDACTED] at DSN 882-4491 or commercial (901) 874-4491.

[REDACTED]
Deputy Director,
Naval Reserve Personnel
Administration Division