



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

JLP:ddj  
Docket No: 6118-02  
24 September 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 24 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 5420 Ser N133D/000213 of 30 August 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



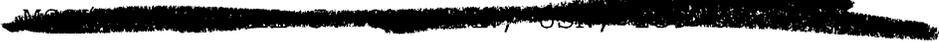
DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5420  
Ser N133D/ 000218  
AUG 30 2002

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: SECNAVINST 7220.80E

Encl: Docket Number 06118-02

1. Forwarded, recommending disapproval.
2. On 21 August 1999 Petty Officer  reenlisted for a term of four years making his Expiration of Obligated Service (EAOS) 20 August 2003. On 15 May 2002 he extended this enlistment by 20 months, making his Soft EAOS (SEAOS) 20 April 2005. On 02 January 2001 he transferred to a non-submarine assignment with a Projected Rotation Date (PRD) of February 2004 (April 2006 required for continued entitlement to CONSUBPAY). Also on 02 January 2001 his CONSUBPAY stopped due to insufficient obligated service. On 15 May 2002 he regained eligibility to CONSUBPAY when he further extended his enlistment by 20 months, making his Soft EAOS (SEAOS) 20 August 2005. His failure to maintain eligibility for CONSUBPAY was due to member not acquiring the necessary obligated service.
3. Orders for Submarine designated personnel have an administrative CONSUBPAY paragraph informing personnel to incur the necessary obligated service prior to detaching from their sea going command to maintain uninterrupted CONSUBPAY.

  
Submarine Pay  
Program Manager