



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

MEH
Docket No. 3110-08
13 Apr 09

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 April 2009. 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 opinions furnished by NPC memo 5420 PERS-832B of 28 Oct 08, and CNO memo 7220 Ser N130G/09U0272 of 3 Apr 09, copies of which are 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 opinions. In particular, the Board agreed with PERS 823 that no change was warranted to your SPD code to entitle you to additional separation pay. You should have been processed for discharge under MILPERSMAN 1910.156 for Unsatisfactory Performance due to loss of your security clearance. Although that did not occur, even if had, your SPD code would not have authorized full separation pay. The Board also agreed with CNO N130 that recoupment of a prorated portion of your separation pay is

warranted. It is clear that, under the CSB program, personnel who elect to receive the CSB bonus, and then fail to complete 20 years of service, are required to repay a percentage of CSB that is equal to the percentage of service that they fail to complete. You completed less than sixteen years of service. Thus, there is no error or injustice in requiring you to repay a pro-rata percentage of the CSB. Your application avers that you have been required to repay all of the CSB, however, you have not submitted documentation to substantiate this claim. If you believe that the Defense Finance and Accounting Service (DFAS) has recouped a greater portion of your CSB than they should have, you must first address that matter directly with DFAS (or submit evidence to this Board that you have already addressed the matter with DFAS). Accordingly, your application seeking a change to your SPD code, additional separation pay and waiver of recoument of a percentage of your CSB bonus 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 also 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

Enclosures