



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

HD:hd  
Docket No. 03469-08  
5 December 2008

[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 4 December 2008. 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 the Navy Personnel Command dated 9 May 2008 with enclosure (your performance evaluation report for 1 July to 15 November 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

5812  
PERS-832B  
9 May 2008

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-31C)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION ON PETITION ICO  
[REDACTED]

Encl: (1) BCNR File 03469-08  
(2) Petitioner's CD Service Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request removal of 13 days lost from his JUMPS/ESR pay account history.

2. The review reveals that the petitioner was charged with 13 days lost time from 15 Oct 2002 to 28 Oct 2002, a period of 13 days. Administrative actions of that nature are not usually done without cause. Petitioner does not provide any convincing argument or documentary evidence to prove that he was not actually UA during that timeframe. Obviously, he was docked 13 days pay and allowances at the time, and if it was without cause he should have taken immediate action with his personnel or disbursing office to receive restitution. A performance evaluation for that period reflects a 2.0 in military bearing/character with no explanation. In hindsight, USS BOXER should have either excused the absence as unavoidable, or taken him to NJP and recorded the event properly. It is quite possible that he did go to NJP and that it was not recorded properly in the service record. Unfortunately, there is no way to verify any of that due to the passage of time. Therefore, favorable action on this petition is not recommended.

A handwritten signature in black ink, appearing to read "C. V. Langford", is positioned above the typed name.

C. V. LANGFORD  
Assistant Head and Technical Advisor  
Enlisted Performance and Separations  
Branch (PERS-832)