



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

MEH
Docket No. 5217-08
4 Aug 08

[REDACTED]

Dear [REDACTED]

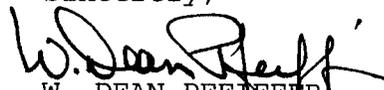
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 August 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 NPC memo 7220 Ser PERS-432/1075 of 14 Jul 08, 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 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

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

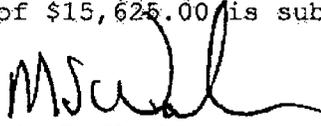
7220
Ser PERS-432/1075
14 Jul 2008

From: Director, Aviation Officer Distribution (PERS-432)
To: Executive Director, Board for Correction of Naval Records
Via: Assistant for BCNR Matters, Pers-31C

Subj: BCNR File 5217-08 ICO [REDACTED]

Ref: (a) [REDACTED] ltr of 30 Apr 08
(b) CNO Washington DC 151045Z Oct 02/NAVADMIN 0342/02
(c) CNO Washington DC 151046Z Oct 02/NAVADMIN 0342/02
(d) OPNAVINST 7220.9

1. This letter is in response to reference (a), your request for unpaid Aviation Career Continuation Pay (ACCP). Current policy does not authorize ACCP payment to aviation officers who have failed to select twice for Aviation Operational Department Head.
2. Since FY-01 the ACCP program policy has specifically stated that "The intent of long-term ACCP is to retain aviation officers through their department head tours". The FY-03 ACCP program, references (b) and (c), under which you applied is no different. In FY-05 you failed to select for Aviation Operational Department Head for the second time, and as a result you did not fulfill the intent of the long-term ACCP program. Due to the fact that you failed to select for department head made you ineligible to receive long-term ACCP. Per reference (d), paragraph 13e, COMNAVPERSCOM (PERS-43) determined that it was in the best interest of the Navy to waive the requirement to recoup ACCP payments for those officers who fail to select for Aviation Operational Department Head after their second look (failure to fulfill intent of long-term ACCP), and as such repayment/recoupment was not required.
3. In FY-05 there were 41 officers that failed to screen for Aviation Operational Department Head for the second time, and were notified that their long-term ACCP would be stopped. DFAS was notified in July 2005 to stop any future ACCP payments, and in September 2005 payments were stopped. On 3 September 2005 you received an ACCP payment in error for \$15,625.00, and as such the sum of \$15,625.00 is subject to recoupment.


M. S. Wallace
By Direction