



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

MEH  
Docket No. 1048-09  
8 Jun 09

[REDACTED]

Dear [REDACTED]

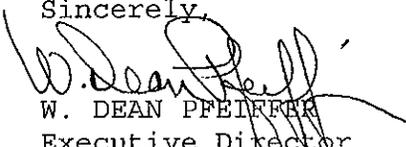
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 June 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 opinion furnished by CNO memo 1530 Ser N133/0239 of 1 May 09, 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, and your request for a personal appearance before the Board, have 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  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, DC 20350

IN REPLY REFER TO  
1530  
Ser N133/0239  
01 MAY 2009

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: [REDACTED]

Ref: (a) OPNAVINST 7220.11B  
(b) BUPERSINST 1540.41C  
(c) Executive Order 12344 of 01 Feb 1982

Encl: (1) BCNR Docket #1048-09

1. Background. [REDACTED] was removed from his duties onboard [REDACTED] pending a formal detachment for cause (DFC) on 09 September 2005. He was subsequently transferred to Commander, Naval Air Forces Atlantic until June 2006. [REDACTED] nuclear Additional Qualification Designator (AQD) were suspended pending the final outcome of the formal DFC proceedings. [REDACTED] performance was reviewed by the Chief of Naval Operations (N133), as directed in reference (b); this review determined that his nuclear AQDs should be removed making him no longer qualified for duty in connection with the supervision, operation and maintenance of naval nuclear propulsion plants.

2. Discussion.

a. Nuclear Officer Incentive Pay (NOIP). Per reference (a), only those officers who hold technical qualifications for supervision, operation, and maintenance of naval nuclear propulsion plants are eligible for NOIP. Nuclear technical qualifications are administered per reference (b) by assigning AQDs to qualified officers. Per section 7.d of reference (b), nuclear officers detached for cause will have their AQDs removed upon approval of their DFC. Their AQDs will be suspended while the DFC request is being processed. If the DFC is approved, the date of AQD removal is that of the original suspension. As a result of the DFC approval, [REDACTED] nuclear AQDs were removed effective the date of suspension, 9 Sep 2005. After that date [REDACTED] became ineligible to receive NOIP.

MAY - 5 2009

b. Reference (b) provides for AQD removal of nuclear trained operators who are no longer considered suitable for assignment to duty involving supervision, operation, and maintenance of a naval nuclear propulsion plant. N133, acts on behalf of the Chief of Naval Personnel to review performance of nuclear officers recommended for AQD removal. [REDACTED] qualification for duty in connection with the supervision, operation and maintenance of naval nuclear propulsion plants were removed per reference (b) effective 9 Sep 2005. This action was concurred in by the Director, Naval Nuclear Propulsion Program's (CNO N00N).

c. Reference (c) gives responsibility to the Director, Naval Nuclear Propulsion to administer the Naval Nuclear Propulsion Program. The decision by the Director, Naval Nuclear Propulsion to request that the AQD removal be made a Matter of Interest was done in the long-term interest of the Naval Nuclear Propulsion Program.

3. Recommendation. Recommend that docket #1048-09 be closed with a response to indicate that [REDACTED] NOIP eligibility was properly terminated in accordance with references (a) and (b).



J. E. McGunnigle  
Nuclear Officer  
Program Manager