



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1251-09

20 May 2009

[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 12 May 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 an advisory opinion furnished by the Navy Personnel Command, a copy of which is enclosed.

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,

A handwritten signature in cursive script, reading "Robert D. Zsalmán", is written above the typed name.

ROBERT D. ZSALMAN
Acting Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

7220
PERS-823
02 April 09

MEMORANDUM FOR SPECIAL ASSISTANT FOR BCNR MATTERS (PERS-31C)

Subj: COMMENTS AND RECOMMENDATION ICO FORMER [REDACTED]

Ref: (a) BCNR MEMORANDUM 5420 PERS-31C of 11 March 2009

1. Per reference (a), A review of [REDACTED] request and service record was conducted. It was found that [REDACTED] is receiving full retired pay benefits based on all his active duty military service. [REDACTED] has 20 years active duty with a service percentage multiplier of 21 years 6 months. [REDACTED] has a service base pay of 33 years and 9 months due to him being placed on the retired list. There are no changes this office can make based on the amount of service already credited for retired pay purposes and no new active duty presented.

2. My POC in this matter is Mr. Gary Fry, he may be reached at (901) 874-3250.

A handwritten signature in black ink, appearing to be "R. D. Lewis", is written over a horizontal line.

R. D. LEWIS
By direction

APR -9 2009