



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

LCC:ddj
Docket No: 1806-01
19 June 2001

[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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 June 2001. 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 BUPERS memorandum 5420 PERS 913 of 17 May 2001, 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

5420
PERS-913
17 May 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF
[REDACTED]

Ref: (a) Title 10, U.S. C. 1552
(b) BUPERSINST 1001.39(series)

Encl: (1) BCNR File 1806-01

1. Enclosure (1) is forwarded with the following comments and recommendations:

a. We do not support B. [REDACTED] petition. A review of his records indicates that [REDACTED] reached High Year Tenure (HYT) on 12 March 2000. Per reference (b) [REDACTED] was authorized to remain in a drill pay status until 31 December 2000.

B. [REDACTED] requested a High Year Tenure waiver to remain in a pay status beyond 31 December 2000. Regretfully, his request was denied due to the fact that his rating was manned in excess of 100%. [REDACTED] states that he was he was in the Individual Ready Reserve (IRR) from 1974 to 1980 and did not earn any qualifying years of service. Additionally, he states that he will not be able to complete 20 years of qualifying service to earn a non-regular retirement, also known as a reserve retirement.

b. [REDACTED] may drill in a Volunteer Training Unit (VTU) or transfer to the Individual Ready Reserve (IRR) and earn retirement points via drills or correspondence courses to attain 20 qualifying years for a Non-Regular Reserve Retirement. Additionally, while in the IRR from 1974 to 1980 he was eligible to earn retirement points for qualifying years for a non-regular retirement but failed to do so of his own accord.



2. Additional questions may be directed to LCDR  at
(901) 874-4501.



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Director, Naval Reserve Personnel
Administration Division