



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

MEH:ddj  
Docket No: 1900-01  
30 October 2001

[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 30 October 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 CNO memorandum 5420 N130D2/01U1296 of 12 October 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  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO  
5420  
N130D2/ 01U1296  
12 Oct 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: COMMENT AND RECOMMENDATION IN THE [REDACTED]  
[REDACTED] 159-00-0474

Ref: (a) DFAS-HQ/FMM Memo of 11 Sep 1995  
(b) DoD Financial Management Regulation (Vol. 7A)

Encl: (1) BCNR case file #01900-01 with microfiche service record

1. The following provides comment and recommendation on [REDACTED]  
[REDACTED]

2. Recommend that [REDACTED] request for halting of the  
recoupment of unearned bonuses, be denied

3. [REDACTED] requests that recoupment of the unearned portion  
of his SRB be halted because he claims he was involuntarily  
discharged from the Navy for a medical condition. According to  
[REDACTED] DD-214, he was administratively discharged under  
the separation program designator (SPD) code of JFX defined as  
"personality disorder - not a disability". Reference (a) changed  
reference (b), effective November 1995 to require recoupment of  
all unearned bonuses if the member was administratively  
discharged from the Navy for personality disorder.

4. The fact that [REDACTED] was discharged, involuntarily,  
has no bearing on the issue of recoupment of bonuses. Under DoD  
regulations, reference (b), an administrative discharge for  
personality disorder is specified as a reason for recoupment of  
the unearned portion of bonuses.

5. BCNR case file with microfiche service record is returned  
herewith as enclosure (1).

[REDACTED]

Program Analyst,  
Enlisted Bonus  
Programs Branch