



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

LCC:ddj  
Docket No: 2404-01  
12 June 2001

[REDACTED]

De [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 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 CNO memorandum 7220 SER N130C3/01U1065 of 1 June 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

7220

Ser N130C3/01U1065

1 Jun 2001

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


Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  


Ref: (a) Joint Federal Travel Regulations, Volume 1

Encl: (1) BCNR Case File # 02404-01 w/Microfiche Service  
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request to authorize the petitioner's wife (military member) to be added on his Permanent Change of Station (PCS) orders in order to be counted for computation purposes of Temporary Lodging Allowance (TLA) for lodging and meals expenses incurred from 24 Aug 99 to 3 Oct 99 while waiting for permanent government housing.
3. A review of enclosure (1), revealed that the petitioner's wife was on active duty and was released on 3 Oct 99. IAW reference (a) Appendix A Note 3, a member may not be paid allowances on behalf of a dependent for any period during which that dependent is entitled to basic pay IAW 37 U.S.C. S204.
4. Therefore, N130E recommends disapproval of the petitioner's request to add his wife to his TLA computation formula.

  
Head, Travel and Transportation  
Allowances Section (N130E)