



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

LCC:ddj
Docket No: 2418-01
24 July 2001



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 24 July 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 N130C3/01U1115 of 27 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/ 01U1115

27 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
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Ref: (a) DODFMR, Volume 7A, Chapter 27, March 2001

Encl: (1) BCNR Case File #02418-01 w/Microfiche Service
Record

1. Per your request, following recommendation concerning enclosure (1) is provided.
2. The petitioner is requesting retroactive payment of Family Separation Allowance - Temporary (FSA-T) for the period from 16 Apr 96 to 22 May 96.
3. IAW reference (a), para. 270304.A a credit for FSA-T may not be applied until the member has been on TDY or TAD away from his permanent duty station continuously for more than 30 days. A review of enclosure (1) revealed that the petitioner orders detached him from his Permanent Duty Station (PDS) on 27 Mar 96 with Temporary Duty (TDY) en route from 20 Apr 96 to 17 May 96 and arriving at his new PDS on 23 Jun 96. IAW reference (a), para. 270304.3 when delay en route and proceed time are authorized and used, the day of departure from the old station and the day of arrival at the new station shall be constructed in the manner indicated in subparagraphs 270304.A.2.a and b.
4. IAW reference (a), paras. 270304.A.2.a and b, constructive day of departure from PDS either is the actual date of detachment plus days of authorized leave, proceed time and/or permissive travel days used, or the first day authorized travel, whichever is later. Subparagraph b, constructive day of return to PDS is the actual date of return minus number of days leave authorized and used, minus the number of permissive travel days actually used.

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~~CONFIDENTIAL - SECURITY INFORMATION~~

The petitioner detached his PDS on 27 Mar 96 and was authorized and used 16 days leave, 4 days proceed time, and 4 days travel time constructive day of departure is 19 Apr 96. The petitioner arrived to his new PDS on 23 Jun 96 was authorized and used 33 days leave, 4 days travel time constructive day of return is 17 May 96. The period of absence is 29 days (19 Apr-17 May 96).

5. Therefore, N130C recommends disapproval of petitioner's request for retroactive payment of FSA-T IAW reference (a).

~~CONFIDENTIAL - SECURITY INFORMATION~~

Assistant Head, Pay and
Allowances Section (N130C)