



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

LCC:ddj
Docket No: 3211-01
17 July 2001



Dear [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 17 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 BUPERS memorandum 5420 PERS 862 of 11 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
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-862

JUN 11 2001

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
[REDACTED]

Ref: (a) Assistant for BCNR Matters 5420 Pers-00ZCB Memo of
8 Jun 01
(b) BUPERSINST 1430.16D

Encl: (1) BCNR File #03211-01

1. Per reference (a), the following comments and recommendations are submitted concerning Petty Officer [REDACTED]'s case.

2. [REDACTED] recalled into the Training and Administration of Reserves (TAR) Program on 13 March 2000. At this time, he voluntarily accepted all the conditions of his recall, which included an administrative reduction in rate to AME3. The determination of rating and paygrade for all recalls to active duty in the TAR Program is based on manning requirements and available vacancies. Once recalled into the TAR Program, all members must compete for advancement through the normal enlisted advancement system per reference (b).

3. [REDACTED] voluntarily accepted the conditions of his recall. To change those conditions after the fact would be unfair to all those recalled under similar conditions that must now compete through the normal enlisted advancement system. No injustice has occurred in this case, there is no basis for reinstatement of his time in rate, and we strongly recommend his petition to do so be denied.

[REDACTED]
By direction