



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

JLP:ddj
Docket No: 3731-02
20 August 2002

[REDACTED]

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 20 August 2002. 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 Ser N133D/000179 of 26 JULY 2002, 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
Ser N133D/ 000179
JUL 26 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

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

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

Ref: SECNAVINST 7220.80E

Encl: Docket Number 03731-02

1. Forwarded, recommending disapproval.
2. On 01 August 2001 [REDACTED] transferred to a non-submarine assignment with a Projected Rotation Date (PRD) of September 2003. (November 2004 required for continued entitlement to CONSUBPAY). At that time his Expiration of Obligated Service (EAOS) was 26 September 2003 and he was not eligible for CONSUBPAY. He executed a seventeen month extension on or about 09 January 2002, ostensibly to obtain the necessary obligated service for entitlement to CONSUBPAY, making his Soft EAOS 26 February 2005.
3. [REDACTED] Active Duty Service Date (ADSD) is January 1978. High Year Tenure (HYT) for an E-8 is 26 years from member's ADSD, or January 2004 for [REDACTED]. His Soft EAOS is now 13 months past his HYT date. Ten of the fourteen months additional obligated service required past his PRD are beyond his HYT date. Additionally, [REDACTED] has not been selected for advancement to Master Chief.

[REDACTED]
Submarine Pay
Program Manager