



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

JLP:ddj
Docket No: 5145-02
24 September 2002

[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 24 September 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 7220 Ser N130C3/02U0477 of 5 September 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

7220 IN REPLY REFER TO
Ser N130C3/ 02U0477
5 Sep 2002

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) Military Pay Advisory (MPA) 81/00
(b) DOD Directive 1327.5 of 24 Sep 85

Encl: (1) BCNR Case File #05145-02 w/Microfiche Service
Record


1. Per your request, the following recommendation concerning enclosure (1) is provided.

2. Enclosure (1) indicates a request for reinstatement of 14 days leave lost at the end of FY-00 while transferring to his new Permanent Duty Station (PDS).

3. Defense Joint Military Pay System-Active component (DJMS-AC) uses the Last-In-First-Out (LIFO) rule to determine what leave is charged when a member uses leave. IAW reference (a) DFAS-Cleveland received a ruling that LIFO is the correct method and effective immediately DFAS-CL will no longer make adjustment of leave balances to minimize leave lost at the end of the FY based on the LIFO rule.

4. IAW reference (b) para. 6.16-2, service members who are assigned to a designated deployable ship, operating away from homeport for 60 days or more, may accumulate up to 90 days of leave when operational mission requirements prohibit normal leave utilization. A national emergency/crisis or operation in defense of national security must have caused the situation preventing the service members from using leave.

5. N130C recommends disapproval of the petitioner's request for reinstatement of 14 days leave lost at the end of FY 00.


Assistant Head, Pay and
Allowances Section (N130C)