



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

JLP:ddj  
Docket No: 5415-02  
4 September 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 4 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 NPC memorandum 5420 Pers 921 of 31 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  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
Pers-921  
31 Jul 02

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

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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF [REDACTED]

Ref: (a) 10 USC Section 1552

Encl: (1) BCNR File 05415-02

1. We are returning enclosure (1) with the following observations and the recommendation that [REDACTED] petition be denied.
2. [REDACTED] is requesting payment of 60 days of leave accrued during a 3 year recall to Navy and Marine Corps Reserve Center Jacksonville. [REDACTED] had previously sold back 60 days of leave when he originally left active duty in September 1990. MILPERSMAN 7220-340 states specifically that no member may sell back more than 60 days of accrued leave during a military career. No option or waiver authority is discussed.
3. [REDACTED] stated in his letter to [REDACTED] that he received release from active duty (RAD) orders in June 2001 for a detach date no later than 31 July, which precluded him from taking leave. However, upon review of [REDACTED] file, his RAD orders were released 9 February, 2001 (DTG 091139Z FEB 01), six months prior to his release date of 31 July 2001. No where in his statement does he indicate that an attempt to take leave was denied. Further, [REDACTED] stated that from October 1999 to June of 2000 he was concurrently the CO of NRC Pensacola and XO of NMCRC Jacksonville, commuting between sites. No doubt, taking leave during this period would prove difficult. However, from June 2000 to May 2001, 12 months, he was assigned to a fully manned staff where taking normal leave would have been possible.

4. Though [REDACTED] is personally known to members of this staff as an extremely dedicated, honorable Naval Officer, it is our recommendation that [REDACTED] petition be denied.

[REDACTED]

By direction

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

6. Per reference (c), [REDACTED] was not eligible for promotion to corporal for the time frame she is requesting. She was properly promoted to corporal on 1 November 2001. Based on [REDACTED]'s date of rank to corporal, she will not be eligible for promotion to sergeant until the October, November, and December promotion quarter of 2002. Recommend [REDACTED] request be disapproved.

[REDACTED]  
Major, U.S. Marine Corps  
Head, Enlisted Promotion Section