



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

LCC:ddj
Docket No: 6994-01
14 May 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 14 May 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 N130C3/02U0073 of 21 February 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

7220
Ser N130C3/02U0073
21 Feb 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
[REDACTED]

Ref: (a) Joint Federal Travel Regulations, Volume 1

Encl: (1) BCNR Case File #06994-01 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request for travel status correction, to change or modify COMNAVRESFOR Active Duty for Special Work (ADSW) orders, and several extensions or modifications to permit per diem entitlement while being in a medical hold status from 7 July 97 to 30 April 99 at Naval Air Station Atlanta.
3. A review of enclosure (1) revealed in orders from BUPERS Washington DC (PERS-252) DTG 210207Z Oct 96 that the petitioner's original ADSW orders were extended to more than 20 weeks. Therefore, NAS Atlanta is considered the petitioner's Permanent Duty Station (PDS) from 21 Oct 1996.
4. The petitioner received many other modifications to extend his ADSW orders due to his medical condition. IAW reference (a), paragraph U7150-A4 subparagraph (b), when the prospective extended period is for 20 or more weeks, no per diem is payable from the date of the order directing the additional and or the extended duty.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED] 5281/1635

5. Therefore, N130E recommends disapproval of the petitioner's request for Per Diem IAW reference (a).



R. B. Woods
Head, Travel and Transportation
Allowances Section (N130E)