



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

JLP:ddj
Docket No: 7022-02
22 January 2003

[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 22 January 2003. 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 913 of 22 October 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-913
22 Oct 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

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

Subj: REQUEST FOR ADVISORY OPINION IN THE CASE OF
AM3 [REDACTED] USNR(TAR), [REDACTED]

Ref: (a) BCNR Memo 5420 Pers-00ZCB of 8 Oct 02
(b) Our ltr 1306 PERS-913 of 24 Jan 02 (NOTAL)

Encl: (1) BCNR File 07022-02

1. Per reference (a), the following recommendation and comments are forwarded concerning AM3 [REDACTED] request to reinstate her previous paygrade which was reduced upon her enlistment into the TAR program.

2. Petty Officer [REDACTED] was approved for a conversion from USNR-R to USNR(TAR) in January 2002, per reference (b). This recall was contingent upon her agreement to accept an administrative reduction to AM3 as specifically detailed in reference (b).

3. Regrettably, we recommend disapproval of AM3 [REDACTED] request due to her agreement to accept administrative reduction upon recall to the TAR program. If AM3 [REDACTED] claims that she was not properly counseled, she may ask for an administrative discharge due to erroneous enlistment; however, her enlistment documentation indicates that she accepted a reduction in rank.

4. Point of contact for this matter is PNCS(SW/AW) Cheves at DSN 882-4508 or commercial (901) 874-4508.

[REDACTED]
Captain, U.S. Naval Reserve
Director, Naval Reserve Personnel
Administration Division