



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

JLP:ddj  
Docket No: 4544-02  
29 October 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 29 October 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 (undated), 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

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

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF CAPTAIN  
[REDACTED]

- Encls: 1. BCNR case file # 04544-02  
2. CNO 211009ZOCT98 FY99 Aviation Continuation Pay (ACP) NAVADMIN  
3. CNO 051441ZNOV99 FY00 Aviation Career Continuation Pay (ACCP)  
NAVADMIN  
4. CNO 072322ZJUL00 FY00 ACCP Modification NAVADMIN  
5. CNO 022158ZOCT00 FY01 ACCP NAVADMIN

1. The following provides comment and recommendation as pertaining to the subject member, who is requesting to receive ACCP for the period June 1999 to December 2000, per enclosure 1.
2. Chief of Naval Operations, Naval Administrative (NAVADMIN) messages, enclosures 2-5 are used to announce all annual ACP/ACCP eligibility requirements and/or modifications. ACCP eligibility requirements change annually as the program is modified to meet fleet retention targets. All naval aviators desiring ACCP are required to follow these applicable ACCP messages, and apply as instructed in order to be eligible to receive ACCP.
3. Captain [REDACTED] is requesting to be awarded an ACCP contract for the period of his tour as the Commanding Officer of USS ARCTIC AOE 8. According to official Bureau of Personnel records, Captain [REDACTED] was the Commanding Officer of USS ARCTIC from July 1999 to February 2001. Captain [REDACTED] was ineligible for any ACP contract for the period July 1999 to September 1999, because the program only applied to YG87 and junior. Captain [REDACTED] is YG 78. For the period October 1999 to July 2000, he also was ineligible for an ACCP contract, because the program was only available to aviators below the grade of Captain (O-6). Captain [REDACTED] was promoted to O-6 September 1, 1999. In July 2000, the ACCP requirements were specifically modified to include Captains (O-6s) at Sea. These ACCP modifications were continued in the follow-on FY01 ACCP program as well. Based on these ACCP requirements, **Captain [REDACTED] would only have been eligible for an ACCP contract for a seven-month period from July 2000 to Feb 2001.**
4. To receive ACCP, all naval officers must be eligible and apply as specifically delineated in the CNO's messages. There is no record of Captain [REDACTED] ever applying during this period. The Navy cannot and does not award ACCP contracts to members who fail to apply for ACCP. Precedence in this matter has been set in

previous cases by members who have requested and been denied ACCP back-dated contracts, because they failed to apply.

5. Although [REDACTED] was given incorrect information (source unknown) that he wasn't eligible due to "double dipping," the fact remains that Captain Erdossy was not eligible for ACCP at that time. Additionally, each ACCP NAVADMIN directs aviators to contact the Aviation Officer Community Manager (OCM), N131V for any questions concerning eligibility. This matter would have been easily resolved had Captain [REDACTED] contacted the OCM on this or subsequent NAVADMINS. In January of 2002, Captain [REDACTED] did contact the OCM and was properly advised of his ACCP eligibility. As the Commanding Officer of the USS George Washington (CVN 73), Captain [REDACTED] is now on an ACCP contract.
6. In accordance with the ACCP eligibility requirements at the time, the precedence set by previous cases, Captain [REDACTED]'s non-compliance with the guidelines as directed in the previous three ACCP NAVADMINS, and subsequent lack of an ACCP application, denial of the member's request is recommended.

[REDACTED]  
Captain, U.S. Navy  
Director, Officer Plans and Policy Branch