



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

LCC:ddj
Docket No: 438-03
24 June 2003

[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 24 June 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 CNO memorandum 7220 Ser N130G/03U0396 of 6 June 2003, 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 N130G/03U0396
6 June 2003

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

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO [REDACTED]

Encl: (1) BCNR Case File #00438-03 w/Microfiche Service Record

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

2. A Career Status Bonus (CSB) GENADMIN Notification message was released to [REDACTED] on 31 December 2001 offering him the opportunity to elect the REDUX retired pay system and receive a \$30,000 CSB by his 15th anniversary of active duty. [REDACTED] has an active duty start date (ADSD) of 11 June 1987 making 11 June 2002 his 15th anniversary of active duty. [REDACTED] CSB GENADMIN Notification message as well as NAVADMIN 245/01 clearly notified [REDACTED] and his command that he was under the High 3 retired pay system but eligible to elect CSB/REDUX, and that his election, would be irrevocable by law on his 15th anniversary.

3. The Career Status Bonus (CSB) Election Form, DD Form 2839 enclosed with his request was first signed in Section IV block 12b on 30 October 2002 after [REDACTED] 15th anniversary of active duty. By law we have no choice but to recommend disapproval of [REDACTED] request to receive CSB as a lump sum payment and revert to the REDUX retired pay system. When he signed the enclosed form he was already irrevocably under the High 3 retired pay system.

4. There is a provision of law that offers a second opportunity to elect CSB/REDUX as installment payments. We have requested and are waiting for funding to offer this second opportunity to eligible members with a CSB message released prior to 15 October 2002 who were not paid CSB prior to 28 December 2001. [REDACTED] will be eligible to make such an election once funding is provided and the NAVADMIN is released.

[REDACTED]
Head, Retired, Reserve and
Medical Pay Section (N130G)