



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

LCC:ddj
Docket No: 5721-03
9 September 2003

[REDACTED]

[REDACTED]

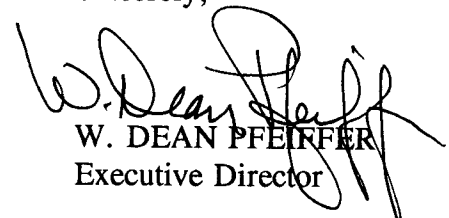
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 September 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 7220 Pers 823 of 22 April 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

7220
PERS-823
22 Apr 02

MEMORANDUM FOR SPECIAL ASSISTANT FOR BCNR MATTERS (PERS-00ZCB)

Subj: [REDACTED]
467-15-1365; REVIEW OF NAVAL RECORD

Ref: (a) BCNR MEMORANDUM 5420 PERS-00ZCB of 12 Aug 03

Encl: (1) 1811 PERS-823 Ser-115 dtd 18 Aug 2003

1. Per reference (a), A review of [REDACTED] service record revealed that he was transferred to the Fleet Reserve on April 1965. Public Law 100-180, enacted December 4, 1987 (now codified in Title 10, U.S. Code, Section 6334), provides for advancement on the retired list to the highest grade in which a member served on active duty satisfactorily as determined by the Secretary of the Navy. Legal representatives of the Judge Advocate General of the Navy have determined that only members who transfer to the Fleet Reserve after 4 December 1987 are eligible for consideration to advance on the retired list. Since [REDACTED] was transferred to the Fleet Reserve prior to that date he is ineligible for advancement to a higher grade.

2. My POC in this matter is Mr. [REDACTED] he may be reached at (901) 874-3250.

[REDACTED]
By direction