

**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:lc  
Docket No: 1354-04  
11 May 2004

NC1 USN

Dear PETTY OFFICER

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 11 May 2004. 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 40CC, 28 April 2004, 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,

[REDACTED]  
Executive Director

Enclosure

5420  
PERS-40CC  
APR 28 2004

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

Via: Assistant for Board for Correction of Naval Records Matters (Pers-OOZCB)

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) INQUIRY ICO NC1 , USN,

**Issue:** NC1 is requesting that he be authorized retroactive Overseas Tour Extension Incentives (OTEIP) benefits along with Consecutive Overseas Tour (COT) leave travel entitlement for serving back-to-back tours in [REDACTED].

**Background:**

- NC1 was assigned to Naval small Craft Instruction Technical Training School (NSCIATTS) [REDACTED] [REDACTED] for the period 10 February 1990 through 26 February 1992 followed by another tour of duty at OCEANREP RODMAN PANAMA for the period 30 Mar 1992 through 10 May 1995.
- NC1 states that he was never counseled regarding his eligibility to OTEIP benefits or COT leave travel entitlement.

**Recommendation:**

This office recommends denial of NC1 request as it cannot be determined if he requested an extension which met the eligibility requirements for OTEIP benefits. There is also no way to determine if COT travel entitlement was ever authorized and subsequently used for a period that took place over twelve years ago. Additionally, Title 28, United States Code, section 2401 states action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues.

**Point of Contact:**

- [REDACTED] or Coml: ()

Special Assistant  
Enlisted Distribution Division