



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

2549-98

BJG
Docket No: 2549-98
20 October 1999

ADJ2 A [REDACTED] RET
[REDACTED]
[REDACTED]

Dear Petty Officer [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 20 October 1999. 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 the Navy Personnel Command dated 13 August 1999, 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.

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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

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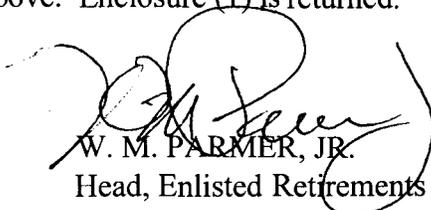
MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENTS AND RECOMMENDATIONS ICO EX-ADJ [REDACTED]
USN, [REDACTED]

Ref: (a) Pers-00XCB ltr of 14 July 1999

Encl: (1) BCNR File with Microfiche Service Record

1. Reference (a) requested comments and recommendations in subject member's case. Specifically, Petitioner requests advancement to his highest paygrade held while on active duty, which was E-6.
2. Public Law 100-180, enacted 4 December 1987 (now codified in 10, U. S. C. 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 be advanced on the retired list.
3. A review of the service record for [REDACTED] indicates that he was transferred to the Fleet Reserve effective 2 April 1965, and is not eligible for advancement to paygrade E6 on the retired list.
4. It is recommended that [REDACTED]'s petition for correction to his records be denied as stated in paragraphs 3 and 4 above. Enclosure (1) is returned.


W. M. PARMER, JR.
Head, Enlisted Retirements Branch