



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

JLP:ddj
Docket No: 1445-98
8 September 1999

[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 8 September 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 BUMED memorandum 7220 SER 527/99-4346 of 28 July 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. 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

BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

IN REPLY REFER TO

7220
Ser 527/99-4346
28 Jul 99

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINIONS ICO [REDACTED]

Ref: (a) USC Title 37, Section 302
(b) SECNAVINST 7220.75C
(c) Annual ASD(HA) Special Pays Policy Memo
(d) Annual NAVADMIN on FY Medical Corp Pay Plan
(e) ASD(HA) policy memo of 15 Mar 91

Encl: (1) BCNR File ICO CDR Richie

1. Enclosure (1) is returned strongly recommending disapproval.
2. [REDACTED] contends that he loss significant income due to **"lack of proper advice provided by administrative and fiscal staff"**. In light of this claim, it's important to note that detailed information on special pays is conveniently available to all concerned officers and they are responsible for its contents (references (a) through (d)). Administrative support staffs exist primarily to assist the officer with obtaining the entitled pay. They are not responsible, accountable, obligated, nor qualified to advise the officer on the most advantageous means of achieving or prolonging their opportunities for monetary gain. As with any decision involving one's personal finances, the ultimate responsibility for any judgments made rest solely with the individual officer.
3. Reference (d) requires that physicians who are qualified in more than one specialty receive MSP and ISP in the field of highest specialization. Specifically, reference (d) states, **"While physicians qualified in multiple specialties will normally receive specialty specific pays in the area considered their primary specialty, the provisions and criteria for MSP and ISP require that the single area of "highest specialization" be considered the category in which they may be awarded these bonuses. Therefore, physicians trained in the designated subspecialties must be paid both MSP and ISP at the rates specified for one specialty group."** Hence, [REDACTED] who is qualified in both internal medicine and infectious diseases, should receive MSP and ISP for the infectious disease specialty, not internal medicine as requested via enclosure (1).

4. Point of contact is Lieutenant Commander J. A. Bradley, MSC, USN, who may be reached at 202-762-3362, DSN 762-3362, FAX 202-762-3367, DSN 762-3367, or E-mail jabradley@us.med.navy.mil.

A handwritten signature in black ink, appearing to read "E. Quisenberry". The signature is written in a cursive style with a large initial "E" and "Q".

E. QUISENBERRY
By direction