



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

LCC:ddj
Docket No: 4775-99
5 October 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 5 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 NAVSUPSYSCMD memorandum 4050 53C/174 of 10 September 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
NAVAL SUPPLY SYSTEMS COMMAND
5450 CARLISLE PIKE
PO BOX 2050
MECHANICSBURG PA 17055-0791

TELEPHONE NUMBER
COMMERCIAL
AUTOVON
IN REPLY REFER TO:

4050
53C/174

SEP 10 1999

From: Commander, Naval Supply Systems Command
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION IN THE CASE OF
[REDACTED]

Ref: (a) BCNR memo PAY:dj of 23 Sep 99

Encl: (1) [REDACTED]
(2) Subject's Microfiche File

1. In response to reference (a), we have reviewed enclosure (1). Enclosures (1) and (2) are returned.

2. Our review concluded that [REDACTED] was not miscounseled about travel and transportation entitlements incident to his retirement in September 1998. He elected to ship household goods to Topsham, Maine due to a medical emergency in his wife's family. When he applied for shipment in June 1998, he signed a statement that he was moving to his home of selection and understood his property could not be reshipped at Government expense. He was clearly aware of the implications of his decision to use his shipping entitlement to move to Maine.

3. We do not recommend favorable Board action.

Martha J. Irons
MARTHA J. IRONS
By direction