



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

LCC:ddj
Docket No: 7037-01
15 January 2002

[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 15 January 2002. 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 9D of 30 October 2001, 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

5420
PERS-9D
30 Oct 01

MEMORANDUM FOR DIRECTOR, LEGISLATIVE MATTERS/CONGRESSIONAL ADVISOR
OFFICE/BCNR COORDINATOR (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN CASE OF E-5 E [REDACTED]

Ref: (a) BCNR Docket No. 7037-01
(b) JFTR, Chapter 7, Paragraph U7150
(c) OPNAVINST 1001.20B
(d) CO, VR-52 ltr 1000 Ser 06/527 of 21 Oct 99

Encl: (1) BCNR Files w/Service Record

1. In response to reference (a), the following is provided. Per reference (b), Reserve members who reside more than 50 miles from their duty location are entitled to travel at government expense when reporting under orders. Reference (b) further stipulates this entitlement exists whether the orders are for active duty or for inactive duty of any type. Reference (c) stipulates that orders less than 139 days, when the member resides more than 50 miles from the duty station, require travel costs be paid by the gaining command. Petty Officer [REDACTED] Active Duty for Special Work (ADSW) orders were for a period of 90 days commencing 15 November 1999, as requested by reference (d). The gaining command provided for Petty [REDACTED] travel beginning 14 November 1999 by issuing Temporary Assigned Duty (TAD) orders commencing 14 November 1999 and terminating 12 February 2000, both at Saginaw, Michigan, which appears to have been his home of record at that time.

2. Petty Officer [REDACTED] ADSW orders reflect the correct start date of 15 November 1999. His BCNR package contains Leave and Earning Statement (LES) printouts that reflect "PCS". Payment of Permanent Change of Station (PCS) charges was not authorized under the ADSW orders issued. Per reference (c), PCS may only be authorized on orders of 140 or more days. As such, any error in pay is related to an inappropriate PCS entitlement paid by the Defense Finance and Accounting Service (DFAS). Corrective action should be addressed by that agency.

[REDACTED]

Director,
Naval Reserve Resource
Management Office