



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

LCC:tj
Docket No: 1189-99
10 August 1999

CPO [REDACTED] USN RETIRED
[REDACTED]
[REDACTED]

Dear CHIEF 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 10 August 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 BUPERS memorandum of 15 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

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

JUL 15 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN THE CASE OF CHIEF COMMISSARYMAN [REDACTED] USN, RET.,
[REDACTED]

1. [REDACTED] has requested an automatic upgrade to the E-9 paygrade based on a congressional bill enacted in 1958. He has provided no specific reference to a particular section of the public law cited.
2. Unfortunately, I am unable to call up this bill to examine its contents in detail. I am, therefore, unable to ascertain with certainty the accuracy of his claim.
3. I know of no particular instance in which the Congress has granted a blanket upgrade of all chiefs to master chiefs. Based upon the little information provided by the petitioner, it appears that he has confused the automatic paygrade adjustments granted to temporary limited duty officers with the navadmin cited in his petition.
4. I recommend that the relief requested by petitioner be denied.

A handwritten signature in cursive script, reading "Timothy Suich", is written over a horizontal line.

TIMOTHY SUICH
Assistant Legal Counsel