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

LCC:ddj
Docket No: 5728-99
28 March 2000

BM1[redacted] USN
[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 28 March 2000. 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 CNO memorandum 7220 SER N130/0U0167 of 3 March 2000, 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
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO
7220
Ser N130C3/**0U0167**
3 MAR 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO BM1 [redacted], USN, [redacted]

Ref: (a) OPNAVINST 1306.

Encl: (1) BCNR Case File #05728-99 w/Microfiche Service Record

1. Per enclosure (1), the petitioner is requesting back pay of Overseas Tour Extension Incentives Program (OTEIP) pay from 01 JUN 94 to 25 AUG 95, due to a homeport change from San Diego to Pearl Harbor, HI.

2. A review of the petitioner's Master Military Pay Account (MMPA) reveals that he reported to SEAL DELIVERY VEHICLE TEAM ONE (SDVT1) 15 APR 90 and transferred on 25 AUG 95 with a projected rotation date (PRD) of JUN 95. In accordance with reference (a), a member at the end of their tour of duty must execute an agreement to extend that tour for a period of not less than one year from his/her PRD to be eligible to receive OTEIP pay.

3. N130C recommends disapproval of the petitioner's request for OTEIP pay unless he can provide an extension agreement certifying entitlement of OTEIP from NPC-451D.

R. T. King
R. T. KING
Head, Pay and Allowances
Section (N130C)