



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

MEH:tj
Docket No: 3422-99
17 August 1999

[REDACTED]

Dear [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 17 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 1160 PERS-815 of 26 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 NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

IN REPLY REFER TO

1160
PERS-815
26 Jul 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 6 May 99
(b) NAVADMIN 251/96
(c) NAVADMIN 068/97

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner reenlisted on 07 Dec 96 for 3 years and received a zone "A" SRB for the OS(0000) rate/NEC. Reference (b) carried the zone "A" SRB entitlement for the OS(0000) rate/NEC with an award level of 1.5 at the time petitioner reenlisted. Petitioner's EAOS at the time was 06 Dec 1996.

- Reference (c), released on 26 Mar 97 with an effective date of 1 Apr 97 increased the zone "A" SRB award level to 2.0 vice 1.5 for the OS(0000) rate/NEC.

- Petitioner advanced to paygrade E-5 on 15 Dec 1996.

- Petitioner requests to expunge reenlistment date of 07 Dec 96 and effect a 7 month extension to his PRD of July 1997. Additionally, petitioner requests to effect a reenlistment in July 1997 to receive the higher zone "A" SRB entitlement in reference (c) as a paygrade E5 and award level 2.0.

- BUPERS/OPNAV cannot provide information pertaining to subsequent SRB NAVADMIN's until after the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to the reenlistment. Petitioner's hindsight is not sufficient grounds to expunge the 07 Dec 96 reenlistment and effect a reenlistment in July 1997 as no error or injustice was committed. However, petitioner was eligible to extend to his PRD of July 1997, knowing that his advancement to paygrade E5 was effective the same month as his reenlistment date.

- Petitioner should have been advised to extend his original EAOS of 06 Dec 1996 to his PRD of July 1997 and reenlist the day after the effective date of his advancement to paygrade E5.

2. In view of the above, recommend expunging petitioner's 3 year reenlistment of 07 Dec 1996. Recommend effecting a 7 month extension on 06 Dec 1996. Additionally, recommend effecting a reenlistment on 17 Dec 1996 for 6 years. This change will entitle petitioner to receive a zone "A" SRB with an award level of 1.5 for the OS rate as paygrade E5. Obliserve to 06 Jul 1997 will be deducted for SRB computation.

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.



S. R. CHRISTY

Head,

Reenlistment Incentives Branch