



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 4087-99

5 October 1999

[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.

[REDACTED]

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 BUPERS memorandum 1160 PERS 815 of 2 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
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
02 Sep 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 15 Jun 99
(b) MILPERSMAN 1510-020
(c) NAVADMIN 143/98

Encl: (1) BCNR File

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

- Petitioner reenlisted for five years on 13 Feb 1998 prior to attending NEC 14NM "C" school (CIN A-102-0392). Petitioner received a zone "A" SRB for this reenlistment.

- Reference (b) did not carry CIN: A-102-0392 on the Career Schools List (CSL) at the time of petitioner's reenlistment.

- Reference (c), released on 09 Jul 1998, while petitioner was attending the NEC 14NM training, added the CIN: A-102-0392 to the CSL. Automatic advancement is authorized if the "C" school or "C" school package the servicemember completed was listed on the Career Schools List (CSL) in effect on the date of reenlistment.

- Petitioner requests to change the reenlistment date to reflect 22 Aug 1998 and automatic advancement upon the completion date of 14NM "C" school training via the STAR program on 4 Feb 1999.

- Petitioner completed NAVIGATION EQUIPMENT MAINTENANCE TECHNICIAN (NEC 14NM) in February 1999. Per reference (c), this course of instruction was listed on the CSL at the time petitioner completed training. However, petitioner did not initially reenlist under the STAR program, because at the time of reenlistment, the NEC 14NM was not eligible to receive benefits under the STAR program.

- BUPERS cannot provide information pertaining to subsequent STAR NAVADMIN's CSL until after the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to his reenlistment. Petitioner's hindsight is not sufficient grounds to change the reenlistment contract to reflect STAR reenlistment as no error or injustice was committed.

2. In view of the above, recommend petitioner's record remain as is.

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



S. R. CHRISTY

Head,

Reenlistment Incentives Branch