



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

MEH:ddj
Docket No: 8188-98
8 September 1999

[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 8 September 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 6 August 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
06 Aug 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: PERS-00XZB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 03 Oct 98
(b) NAVADMIN 180/97
(c) OPNAVINST 1160.6A

Encl: (1) BCNR File

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

- Petitioner enlisted into the Navy on 06 Sep 1988 for four years.

- Petitioner was discharged from the Navy on 01 Oct 1993 after serving five years of active service. Petitioner's rate/paygrade upon discharge was FC/E4.

- Petitioner signed for the Delayed Entry Program (DEP) on 13 Nov 1997.

- Petitioner reentered/enlisted in the Navy on 14 Jan 1998 after 4 years 3 months and 13 days break in active service. Reference (b) carried a SRB entitlement for the FC rate at the time petitioner re-enlisted active duty.

- Petitioner requests to receive a SRB entitlement for the 14 Jan 1998 enlistment. Additionally, petitioner requests to change the term of his DEP contract to reflect 2 years vice 4 years to avoid interference with the SRB entitlement.

- Per reference (c), members with broken-service must have less than a 4 year break in service. Therefore, petitioner is ineligible to receive the SRB entitlement offered in reference (b), because he has more than a 4 year break in service. Additionally, petitioner's DEP contract does not have any effect on the broken service SRB entitlement.

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

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