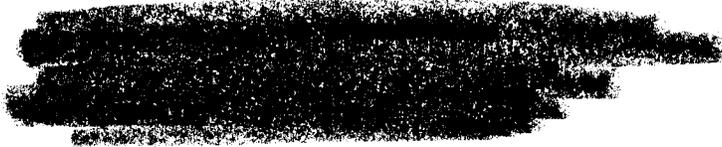




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

MEH:ddj  
Docket No: 1188-02  
1 October 2002



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 1 October 2002. 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 NPC memorandum 5000 Pers 913 of 25 April 2002, 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

5000  
PERS-913  
25 Apr 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS 00ZCB)

Subj: REQUEST FOR ADVISORY OPINIONS IN THE CASE OF

Ref: (a) BCNR Memo of 28 Mar 02  
(b) NAVRESPERSCEN MSG DTG 160233Z APR 01  
(c) NAVADMIN 336/01 DTG 211930Z Dec 01

Encl: (1) BCNR File 01188-02

1. Per reference (a), the following comments and recommendation are forwarded concerning PN2 Laird's request to change the date of his Immediate Reenlistment Contract, (NAVPERS 1070/601) from 8 September 2001 to 1 January 2002, thus enabling him to receive a Selected Reenlistment Bonus (SRB).

2. Petty Officer [REDACTED] transfer orders, reference (b), directed PN2 [REDACTED] to obtain obligated service to November 2003, and further stipulated "if reenlistment would not be beneficial for member at this time, an Agreement of Extension (NAVPERS 1070/621) must be signed in lieu of NAVPERS 1070/601." Therefore, an extension of his previous enlistment contract was an acceptable method of compliance with the obligated service requirement and he was not required to reenlist prior to executing his transfer orders. Petty Officer [REDACTED] states that the "PSD was not willing to let me detach without obligating for orders." He does not state that they required him to reenlist or whether he discussed with them the option to extend. While it is possible that there may have been a misunderstanding between Petty Officer [REDACTED] and the individual he spoke with at the PSD over the obligated service requirement, we believe that the onus was on Petty Officer [REDACTED] to clarify the situation to his satisfaction before reenlisting. Additionally, Petty Officer [REDACTED] had discussed his case previously with a PNC at PERS-812 and had been advised to not reenlist.

Subj: REQUEST FOR ADVISORY OPINIONS IN THE CASE OF  
[REDACTED]

His orders clearly stated the obligated service requirements and, as a PN2, he should have been aware of the applicable MILPERSMAN article regarding enlistment extensions. In view of the above, and with no evidence to the contrary, we believe that PN2 [REDACTED] decision to reenlist was voluntary and executed properly.

3. Reference (c), the message authorizing SRB to personnel in Petty Officer [REDACTED]'s category, became effective on 1 January 2002. Personnel reenlisting before 1 January 2002, were not eligible for the SRB. Based on our finding that Petty Officer [REDACTED] reenlistment was voluntary and properly executed, there is no basis to change his reenlistment date to make him eligible to receive the bonus. Our research of this case found no evidence of an error or injustice being committed on the part of the Navy. While it is regrettable that PN2 [REDACTED] missed being eligible for a bonus by a few months, it was not due to any fault of the Navy. We can not favorably consider his request without reviewing and favorably considering the cases of every other sailor who may have missed SRB eligibility under similar circumstances. Therefore, we recommend disapproval of PN2 [REDACTED]'s request.

4. Additional questions may be directed to PNCM(AW/SW) [REDACTED] at (901) 874-4503 or E-mail P913b@Persnet.navy.mil.

[REDACTED]  
Captain, U.S. Naval Reserve  
Director, Naval Reserve Personnel  
Administrative Division

Copy to:  
PERS-913