



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

MEH:ddj
Docket No: 3215-02
17 September 2002

[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 September 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 1160 Ser 811/ of 22 August 20002, 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 did not concur with the comments contained in the advisory opinion. NAVADMIN 271/99 was not released until 30 September 1999, with an effective date of 1 October 1999. This was more than a month after you had reenlisted. Therefore you could not have been counseled to delay your reenlistment. Your hindsight is not sufficient grounds to change your reenlistment date. 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.

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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
Ser 811/
22 Aug 2002

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO 

Ref: (a) SNM's DD Form 149 dtd 19 Mar 02
(b) NAVADMIN 132/99
(c) NAVADMIN 271/99

Encl: (1) BCNR File

1. In response to reference (a), recommend approval to the petitioner's request.

a. The petitioner reenlisted on 13 August 1999 for six years and received a zone "A" SRB entitlement for the ETSW rate offered in reference (b). The petitioner received 46 months of the zone "A" SRB entitlement due to his EAOS of 04 October 1999 and SEAS of 04 October 2001.

b. The petitioner's reenlistment contract reflected 48 months obliserve vice 72 months and the SRB payment was adjusted accordingly.

c. Reference (c) released on 30 September 1999 with an effective date of 01 October 1999 allowed service members that obliserve 24 months beyond their inoperative extension to receive the SRB entitlement without monetary loss.

d. The petitioner requests to change the reenlistment date of 13 August 1999 to 04 October 1999 and receive the zone "A" SRB entitlement without the monetary loss of the 24 months extension.

2. In view of the above, recommend change the petitioner's reenlistment date of 13 August 1999 to 04 October 1999 for four years. This change will entitle the member to 48 months of zone "A" SRB with an award level of 5.0 for the ETSW(0000) rate in accordance with references (b) and (c).

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.


MMC(SS) USN
Reenlistment Incentives Branch