



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

MEH:ddj
Docket No: 4145-99
5 October 1999



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 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.

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. When you reenlisted on 1 April 1992 you were paid a Selective Reenlistment Bonus (SRB) based on a 1.5 award level. However, the correct award level was 0.5 and the Defense Finance and Accounting Service recouped the overpayment. While it is unfortunate you were mistakenly overpaid, there is no correction the Board can make to your record. The entitlement was for 0.5, not 1.5. 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



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

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07 Sep 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: NPC-OOCXB

Subj: BCNR PETITION IC0 [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 27 May 99
(b) NAVADMIN 007/92

Encl: (1) BCNR File

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

- Petitioner reenlisted on 01 Apr 1992 for 6 years and received a zone "B" SRB entitlement for the EN rate with an award level of 1.5. However, petitioner's SRB approval was erroneously approved by PERS 292/815.

- Petitioner received an SRB overpayment of \$7,710.50.

- Reference (b) released on 24 Jan 1992 with an effective date of 21 Feb 1992 carried the zone "B" SRB entitlement for the EN rate at 0.5 vice 1.5. NAVADMIN 117/91 released prior to reference (b) carried the zone "B" entitlement at 1.0.

- DFAS Cleveland has been recouping petitioner's SRB overpayment since May 1992.

- Petitioner requests that the SRB entitlement reflects the original approval amount and receive all of the recouped SRB.

- It is the command responsibility to ensure servicemembers SRB entitlement. Additionally, the SRB desk (PERS 292 at the time) should have recognized that petitioner's command submitted the SRB requests with the wrong award level.

2. In view of the above, recommend petitioner receive the zone "B" SRB entitlement with the award level of 1.5 for the EN rate.

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