



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

MEH:ddj
Docket No: 2671-99
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. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 9 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
09 Sep 99

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

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 24 Sep 98
(b) NAVADMIN 013/95

Encl: (1) BCNR File

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

- Petitioner executed a 9 month extension on 21 Mar 95 to have sufficient obliserve for BUPERS orders to the COMNAVSPECWARDEVGRU DAM NECK. Petitioner's EAOS at the time was 31 Aug 97 with an SEAOS of 30 Sep 97. Petitioner transferred to the USS KITTY HAWK in April 1995.

- Petitioner reenlisted on 31 Aug 97 for 4 years and received a zone "C" SRB entitlement for NEC 5326. However, petitioner only received 37 months of SRB entitlement due to the 9 month extension signed on 21 Mar 95.

- Petitioner requests to cancel the 9 month extension of 21 Mar 95 and effect a NAVPERS 1070/613 (Page 13) agreeing to reenlist at a later date to avoid monetary loss of SRB entitlement.

- Reference (b), released on 20 Jan 95 did not carry a zone "C" SRB entitlement for NEC 5326 the day petitioner signed the 9 month extension.

- Petitioner was not miscounseled on obliserve requirements prior to signing the 9 month extension on 21 Mar 95, because reference (b) did not carry a zone "C" SRB for NEC 5326.

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.

A handwritten signature in black ink, appearing to read "S. R. Christy".

S. R. CHRISTY

Head

Reenlistment Incentives Branch