



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 35-98

5 October 1999

[REDACTED]

Dear PETTY OFFICER EDWARDS:

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 1 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
01 Sep 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORD

Via: PERS-OOZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM'S DD Form 149 dtd 10 Nov 97
(b) MILPERSMAN 1160-040

Encl: (1) BCNR File

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

- Petitioner was fit for full duty 17 Jan 1996. Petitioner's EAOS at the time was 04 Feb 1997.

- Petitioner received a Lateral Conversion approval from PERS 815 on 4 Apr 1997. Petitioner's microfiche reflects an EAOS at the time of conversion approval as 4 Feb 1997. Petitioner was advised to reenlist on 16 May 1997 for a minimum of 2 years to have sufficient obliserve for the GSE "A" school orders.

- Petitioner reenlisted on 19 Dec 1997 for 4 years at the completion of GSE "A" school training and received a zone "A" SRB entitlement. However, petitioner received only 31 months of SRB entitlement due to the 2 year reenlistment of 16 May 1997.

- Petitioner requests to cancel the 2 year reenlistment of 16 May 1997 and effect an 8 month extension through the completion date of GSE "A" school and receive the additional 17 months of zone "A" SRB entitlement.

- Microfiche reflects petitioner was on an expired EAOS upon the approval date of the Lateral Conversion. Per reference (b), an extension of enlistment cannot be executed for the purpose of extending an enlistment, or enlistment as extended, which has already expired. Therefore, petitioner was not miscounseled to reenlist on 16 May 1997 prior to attending the GSE "A" school.

2. In view of the above, recommend that petitioner's record remain as is. If the petitioner has a copy of an extension contract (if any) that extended her EAOS of 4 Feb 1997 prior to receiving the Lateral Conversion approval from PERS-815 we will re-look at the case.

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', with a long horizontal stroke extending to the right.

S. R. CHRISTY
Head,
Reenlistment Incentives Branch