



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 4495-99

13 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 13 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 10 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
10 Sep 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149. dtd 29 Jun 99
(b) NAVADMIN 148/98
(c) NAVADMIN 243/98

Encl: (1) BCNR File

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

- Petitioner reenlisted on 23 Oct 1998 for three years after successful completion of BUDS training and received the maximum zone "B" SRB entitlement of \$20,000.00 for NEC 5320 offered in reference (b). Petitioner's EAOS at the time was 16 Nov 1998.

- Reference (c), released 03 Nov 1998 immediately raised the SRB ceiling from \$20,000.00 to \$30,000.00.

- Petitioner requests that his SRB be recomputed for NEC 5320 at \$30,000.00 to reflect a reenlistment on 16 Nov 1998 vice 23 Oct 1998.

- Per reference (c), members who reenlisted or extended prior to the DTG of the message were entitled to SRB at the award level specified in their approved precert. Petitioner reenlisted ten days prior to the release of reference (c) therefore petitioner is not eligible for the SRB maximum of \$30,000.00. Additionally, petitioner was not miscounseled concerning SRB eligibility and entitlement because reference (b) was in effect prior to and on the day of reenlistment.

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