

## DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS 2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ti

Docket No: 3355-99

17 August 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 17 August 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 26 July 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

NAVY PERSONNEL COMMAND 5720 INTEGRITY DRIVE MILLINGTON TN 38055-0000

> 1160 PERS-815 26 Jul 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO

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(a) SNM's DD Form 149 dtd 14 May 99

(b) MILPERSMAN 1060021

(c) NAVADMIN 143/98

Encl: (1) BCNR File

- 1. In response to reference (a), recommend disapproval to Petitioner's request.
- Petitioner reenlisted for six years on 28 Nov 1997 prior to attending NEC 0425 "C" school (CIN A-130-0360). Petitioner received a zone "A" SRB for this reenlistment.
- Reference (b) did not carry CIN: A-130-0360 on the Career Schools List (CSL) at the time of petitioner's reenlistment.
- Reference (c), released on 09 Jul 1998, while petitioner was attending the NEC 0425 training, added the CIN: A-130-0360 to the CSL. Automatic advancement is authorized if the "C" school or "C" school package the servicemember completed was listed on the Career Schools List (CSL) in effect on the date of reenlistment.
- Petitioner requests automatic advancement upon the completion date of 0425 "C" school training via the STAR program.
- Petitioner completed TRIDENT LEVEL III MASTER OPERATION AND MAINTENANCE TECHNICIAN (NEC 0425) in December 1998. Per reference (c), this course of instruction at the time petitioner completed training. However, petitioner did not initially reenlist under the STAR program, because at the time of reenlistment, the STS rate was not benefits under the STAR program.
- BUPERS cannot provide information pertaining to subsequent STAR NAVADMIN'S CSL until after the NAVADMIN has been released. Therefore the petitioner could have not been counseled concerning reference (c) prior to his reenlistment. Petitioner's hindsight reforence to sufficient grounds to change the reenlistment contract to reflect STAR reenlistment as no error or injustice was committed.
- 2. In view of the above, recommend petitioner's record remain as is.

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.

Head, Reenlistment Incentives Branch