



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

MEH:ddj
Docket No: 3879-99
19 January 2000



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 19 January 2000. 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 2 December 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
02 Dec 99

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

Subj: BCNR PETITION ICO [REDACTED] 00 5576

Ref: (a) SNM's DD Form 149 dtd 07 Jun 99
(b) NAVADMIN 047/98

Encl: (1) BCNR File

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

- Petitioner executed a 4 month extension on 17 Oct 96 to continue submarine Pay onboard COMSUBGRU SEVEN. Petitioner's EAOS at the time was 31 Jul 99.

- Petitioner signed a 38 month extension on 15 Jun 98 to have sufficient obliserve for BUPERS orders to COMSUBPAC PEARL HARBOR HI.

- Reference (b), released on 12 Mar 98 with an effective date of 1 Apr 98, did not carry a zone "B" SRB entitlement for the ETSS rate the day petitioner signed the 38 month extension.


- Petitioner reenlisted on 30 Jul 99 for 6 years and received a zone "B" SRB entitlement. However, petitioner only received 30 months of the SRB entitlement, due to the SEAOS of 31 Jan 2003.

- Petitioner requests to cancel the 4 month extension of 17 Oct 96 and the extension signed on 15 Jun 98 to allow him to receive an additional 42 months of zone "B" SRB entitlement.

- Petitioner was not miscounseled concerning the 38 month extension because reference (b) did not carry a zone "B" entitlement to advise petitioner.

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.


S. R. CHRISTY
Head

Reenlistment Incentives Branch