JLP:ddj
Docket No: 593-01
27 December 2001

████████████████████████ R. USN ████████████

████████████████████████████████

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 27 December 2001. 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 CNO memorandum 5420 N130D1/01U1357 of 27 November 2001, 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
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5420
N130D1/ **01U1357**
26 Nov 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF PETTY OFFICER ████████████████████████████████

Encl: (1) BCNR case file #04593-01 with microfiche service record

1. The following provides comment and recommendation on Petty Officer Schexsnayder's petition.

2. N130 recommends denial of Petty Officer ████████████████████ petition for an Enlistment Bonus (EB).

3. Petty Officer ████████████████ entered the Delayed Entry Program (DEP) on 23 October 1998, volunteered for the Nuclear Field (NF) Open School Guarantee and signed a contract for an EB of $12,000. He shipped to Recruit Training Command (RTC) on 7 December 1998. Petty Officer ████████████████ was disenrolled from nuclear training and was reclassified into the Electronics Technician / Advanced Electronics Field (ET/AEF). In his petition, Petty Officer ████████████████ requests favorable action that would allow payment of an EB for serving as an ET.

4. EB is not an entitlement, but a recruiting tool used at the discretion of recruiters and classifiers to entice individuals to enlist in critical skills. Members who fail to complete basic qualifications for the EB, including failure to graduate from required school(s), and who do not continue in the skill for which enlisted, will have the EB option nullified. The Navy offers an EB to members during the DEP or the reclassification phase of recruit training. At no other time may the prospective recipient elect the EB incentive or re-negotiate an EB enlistment. Once a member has started training in the skill for which they are to receive an EB, the member cannot reclassify into another skill and receive an EB. Petty Officer ████████████████ was disenrolled from the Nuclear Field program for academic failure and was reclassified into the ET/AEF Program. Therefore, Petty Officer ████████████ is not entitled to an EB.

5. BCNR case file with microfiche service record is returned herewith as enclosure (1).

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF PETTY OFFICER

Assistant, Enlisted Bonus
Programs Branch