



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

MEH:ddj
Docket No: 1519-01
12 June 2001

[REDACTED]

[REDACTED]

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 12 June 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 BUPERS memorandum 1160 PERS 815 of 10 May 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

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

1160
PERS-815
10 May 01

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]
439-43-9007

Ref: (a) SNM's DD Form 149 dtd 13 Feb 01
(b) NAVADMIN 122/95
(c) NAVADMIN 308/95

Encl: (1) BCNR File

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

a. The petitioner reenlisted on 14 December 1995 for six years after completion on NEC 1119 "C" school training. The petitioner received a zone "B" SRB entitlement for the FC(1119) rate/NEC at the time of reenlistment. Reference (b) listed the zone "B" entitlement for the FC(1119) rate/NEC at award level 1.0.

b. Reference (c), released on 18 December 1995 with an effective date of 01 February 1996 increased the award level for the FC(1119) rate/NEC to 2.0 vice 1.0.

c. The petitioner requests to cancel the reenlistment date of 14 December 1996 and effect a reenlistment in February 1996 2000 to receive the increased SRB award level entitlement offered in reference (c).

d. Navy Personnel Command/OPNAV cannot provide information pertaining to subsequent SRB NAVADMIN's until after the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to the reenlistment. The petitioner's hindsight is not sufficient grounds to expunge the 14 December 1995 reenlistment as no error or injustice was committed.

2. In view of the above, recommend the petitioner's record remain as is.

