



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

MEH:ddj
Docket No: 8159-00
20 March 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 20 March 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 14 February 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
14 Feb 01

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORD

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM'S DD Form 149 dtd 30 Nov 00
(b) NAVADMIN 050/00

Encl: (1) BCNR File

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

a. The petitioner was approved for lateral conversion to the LN rate by PERS-815 on 20 July 2000. The petitioner received BUPERS orders 2550 to the LN "A" school on 11 September 2000. The BUPERS orders 2550 instructed the member to obliserve to March 2003.

b. The petitioner signed a NAVPERS 1070/621 on 21 September 2000 for 29 months to have sufficient obliserve for BUPERS orders 2550. The petitioner's EAOS at the time was 05 October 2000.

c. The petitioner requests to change the 29 month extension to reflect seven months to be eligible to reenlist for a zone "A" SRB at the completion date of training without monetary loss of entitlement. However, the service members are not allowed to extend enlistment to the completion date of training.

d. Reference (d) offers service members the opportunity to obliserve to train and reenlist for service in a rating or NEC that at the time of the agreement is designated for award of SRB may be paid the bonus of that specialty without monetary loss from the obliserve. The petitioner is not eligible for the "obliserve to train" because criteria is that the members are not in an SRB eligible rate upon obliserve and the petitioner's rate was SH upon signing the 29 month extension. Reference (d) listed zones "A" and "B" SRB entitlements for the SH rate.

e. The petitioner was not erroneously counseled concerning obliserve requirements prior to attending LN "A" school.

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

Subj: BCNR PETITION ICO [REDACTED]

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.

[REDACTED]

PNC (AW) USN
Head,
Reenlistment Incentives Branch