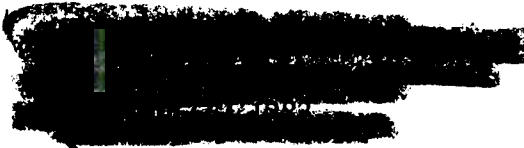




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 8260-01
26 February 2002



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 26 February 2002. 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 NPC memorandum 1160 PERS-811 of 8 February 2002, 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. You are requesting that the reenlistment of 31 August 2001, for which you received a zone "B" Selective Reenlistment Bonus (SRB), be backdated to 26 July 2001 to receive the bonus in a tax-free zone. You departed the tax-free zone on 27 July 2001 to take emergency leave. Although the circumstances are unfortunate, you had ample time prior to that to reenlist and receive a tax-free SRB. To backdate your reenlistment would be using hindsight to gain a greater monetary entitlement.

Notwithstanding the advisory opinion, the Board found the evidence submitted was insufficient to establish the existence of probable error or injustice. 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.

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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

BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

IN REPLY REFER TO

1160
PERS-811
08 Feb 02

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 04 Nov 01

Encl: (1) BCNR File

1. In response to reference (a), recommend approval of the petitioner's request.
2. The petitioner was in a tax free zone upon departure and would have been eligible for tax free SRB had he not been required to depart the AOR on emergency leave on 27 July 2001.
3. Upon the petitioner's return, his ship had departed the AOR, and through no fault of his own, he had missed the requirements set forth in NAVADMIN 223/01.
4. In view of the above, recommend the petitioner's reenlistment dated 31 August 2001 be expunged and a tax free SRB qualifying reenlistment be effected on 26 July 2001.
5. 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 (SW) USN

Head

Reenlistment Incentives Branch