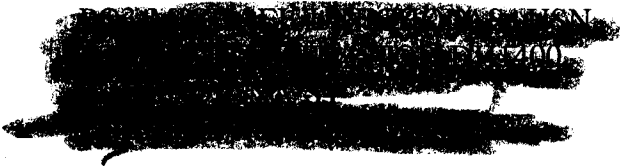




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 2407-02
17 December 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 17 December 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 5420 N130D/02U0660 of 22 November 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. 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
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000


IN REPLY REFER TO


5420
N130D/02U0660
22 Nov 2002



MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS



Subj: COMMENT AND RECOMMENDATION IN THE CASE OF PETTY OFFICER


Encl: (1) BCNR case file #02407-02 with microfiche service record


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

2. N130 recommends denial of Petty Officer 's petition for an Enlistment Bonus (EB) College Kicker.

3. Petty Officer  entered the Navy through the Delayed Entry Program (DEP) on 30 November 2000, volunteered for the Seafarer Seaman Apprenticeship Training Guarantee, and signed an EB Contract for a \$4,000 EB. He shipped to Recruit Training Command (RTC) on 05 February 2001. During RTC, he was reclassified to Firefighter/Damage Controlman and signed an EB contract for \$4,000 EB. In his petition, Petty Officer  requests favorable action that would allow payment of an EB College Kicker.

4. Petty Officer  has a valid EB Contract in the amount of \$4,000 and is entitled to that payment upon completion of his training pipeline and qualification in the skill for which he was offered the EB. The EB College Kicker is a recruiting tool used at the discretion of recruiters and classifiers to entice individuals to enlist in critical skills. Every recruit is not offered nor receives an EB College Kicker. Petty Officer  is not entitled to an EB College Kicker because it was not offered by his classifier nor included in his contract upon entrance into the Navy.

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


Head, Enlisted Bonus
Programs Branch