



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

MEH:yrj
Docket No: 4056-02
16 July 2002

[REDACTED]

Dear [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 16 July 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 Ser 811/253 of 26 June 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

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

1160

Ser 811/253

26 Jun 2002

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 Mar 02
(b) NAVADMIN 049/01
(c) NAVADMIN 336/01

Encl: (1) BCNR File

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

a. The petitioner received an Overseas Tour Extension Incentives Program (OTEIP) approval on 25 October 2000. The member was authorized the option B from June 2001 to June 2002 of the OTEIP.

b. The petitioner signed a NAVPERS 1070/621 extension agreement for 29 months at his EAOS of 13 December 2001. Reference (b) did not list a zone "C" SRB entitlement for the AC(0000) rate at the time the member signed the extension.

c. Reference (c) released on 21 December 2001 with an effective date of 01 January 2002 listed a zone "C" SRB entitlement for the AC(0000) rate.

d. The petitioner requests to cancel the extension agreement of 13 December 2001 and allow his OTEIP extension to June 2002 be established.

e. 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 cancel the extension as no error or injustice was committed.

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]
MMC(SS) USN

Reenlistment Incentives Branch