



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

JLP:ddj
Docket No: 4584-02
14 January 2003



Denial of Request

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 14 January 2003. 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 N130D2/02U0737 of 19 December 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
CHIEF OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO

5420
N130D2/02U0737
19 Dec 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF PETTY OFFICER
[REDACTED]

Encl: (1) BCNR case file #04584-02 with microfiche service record

1. Following provides comment and recommendation on Petty Officer [REDACTED] petition.
2. N130 recommends denial of Petty Officer [REDACTED] petition for an Enlistment Bonus (EB) in the amount of \$12,000.
3. Petty Officer [REDACTED] entered the Delayed Entry Program (DEP) on 9 June 2000 and signed an EB contract in the amount of \$12,000 for enlisting in the Nuclear Field Program. He shipped to active duty on 29 August 2000. In accordance with BUPERS message 231454AUG99, (message in effect at the time Petty Officer [REDACTED] entered the DEP), the NF Program was eligible for an EB of \$8,000 during the period Petty Officer [REDACTED] shipped to active duty. In his petition, Petty Officer [REDACTED] requests favorable action that will allow payment of the EB in the amount of \$12,000.
4. EB eligible ratings and award levels are announced by OPNAV (GENADMIN) messages. The message in effect the day a member enters the DEP and the day the member ships to active duty, determines the amount of EB a member is eligible to receive. The Navy classifier erroneously offered a \$12,000 EB award level (not authorized by the EB message in effect at time he entered the DEP) on his Enlistment Guarantees Contract. Petty Officer [REDACTED] has received the entire \$8,000, the amount he is entitled to. No further action necessary.
5. BCNR case file with microfiche service record is returned herewith as enclosure (1).

[REDACTED]
Program Analyst, Enlisted Bonus
Programs Branch