



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

JLP:ddj
Docket No: 5426-02
4 September 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 4 September 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 CNO memorandum 5420 N130D1/02U0438 of 12 August 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
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

5420 ON REPLY REFER TO
N130D1/ 02U0438
12 Aug 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Encl: (1) BCNR case file #05426-02 with microfiche service record

1. The following provides comment and recommendation on [REDACTED] petition.
2. N130 recommends denial of [REDACTED] petition for a waiver on recoupment of Enlistment Bonus (EB).
3. [REDACTED] enlisted in the Navy on 5 April 2001 and signed a contract for the Personnelman Training Guarantee and an EB in the amount of \$5,000. He was separated from the Navy on 7 December 2001. [REDACTED] requests favorable action that would allow a waiver of his EB recoupment.
4. In accordance with OPNAVINST 1160.6A "Pro-rata recoupment of an EB is required when a recipient either voluntarily or for reasons of misconduct fails to either complete the obligated period of service or maintain qualifications in the skill for which the EB was paid." [REDACTED] was separated from the Navy as a result of his medical condition. He did not complete the obligated period of service for which the bonus was paid. In [REDACTED]'s case pro-rata recoupment of the EB is required.
5. BCNR case file with microfiche service record is returned herewith as enclosure (1).

[REDACTED]
HEAD, Enlisted Bonus
Programs Branch