

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

JLP:ddj Docket No: 7147-02 26 November 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 November 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 memorrandum 5420 N130D1/02U0590 of 29 October 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



DEPARTMENT OF THE NAVY OFFICE OF THE CHIEF OF NAVAL OPERATIONS 2000 NAVY PENTAGON WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO 5420 N130D1/02U0590 29 Oct 2002

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

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF SEAMAN APPRENTICE

Encl: (1) BCNR case file #07147-02 with microfiche service record

1. The following provides comment and recommendation on Seaman Apprentice Ricafrente's petition.

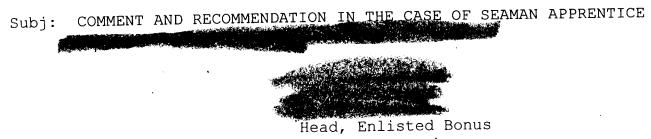
2. N130 recommends denial of Seaman Apprentice Product Product

3. Seaman Apprentice (DEP) on 29 March 2002, volunteered for the Delayed Entry Program (DEP) on 29 March 2002, volunteered for the Advanced Electronics Computer Field, and signed an EB Contract for a \$10,000 EB. He shipped to Recruit Training Command (RTC) on 1 May 2002. In his petition, Seaman Apprentice Ricafrente requests favorable action that would allow payment of a \$3,000 EB College Kicker.

4. EB is not an entitlement, but a recruiting tool used at the discretion of recruiters and classifiers to entice individuals to enlist in critical skills. The EB program is budgeted based on quotas provided by the Commander, Navy Recruiting Command and the Enlisted Community Managers, not by the number of "A" School accession seats. An EB College Kicker is an EB and is governed under the preceding rules. Every recruit is not offered nor receives an EB College Kicker.

5. Seaman Apprentice has a valid EB Contract in the amount of \$10,000 and is entitled to that payment upon completion of his training pipeline and qualification in the skill for which he was offered the EB. He 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.

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



Programs Branch