



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

MEH:ecb
Docket No: 5848-03
15 October 2003

[REDACTED]
[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 15 October 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 PERS memorandum 1160 Ser 811 dated 15 September 2003, 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. You were not entitled to a zone "C" Selective Reenlistment Bonus (SRB) prior to passing through the zone as you had not yet completed MA "A" school training. It is unfortunate that your original school completion date was changed but a service member must be qualified in the SRB rating on the date of reenlistment. In this connection, the Board did not concur with the comments contained in paragraph 7 of 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 811/434
15 Sep 2003

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 11 Jun 03
(b) NAVADMIN 097/02
(c) COMNAVPERSCOM MILLINGTON TN 130937Z DEC 02
(d) OPNAVINST 1160.6A

Encl: (1) BCNR File


1. In response to reference (a), recommend approval to the petitioner's request.
2. The petitioner received BUPERS order 2402 on 28 August 2002 to attend the MA "A" school via the approval of the Lateral Conversion program. The petitioner's BUPERS order 2402 instructed the member to attend the MA "A" school at Kings Bay, GA with a graduation date on 09 May 2003.
3. Reference (b) listed a zone "C" SRB entitlement for the MA rate at the time the petitioner received BUPERS order 2402. Reference (c) approved the petitioner to sign a NAVPERS 1070/621 extension via the "Obliserve to Train" program. The petitioner signed a NAVPERS 1070/621 extension for 24 months via the "OTT". The petitioner received a notice that the MA school at Kings Bay, GA was closing. Therefore, the petitioner received a BUPERS order modification on 23 April 2003 to attend the MA "A" school at LTA HAMPTON ROADS, VA. The petitioner's MA "A" school training convened on 28 April 2003 and completed on 06 June 2003.
4. The petitioner passed through the zone "C" SRB window on 31 May 2003. The petitioner was not eligible for the zone "C" SRB at the completion date of training on 06 June 2003.
5. The petitioner requests to receive the SRB entitlement because due to no fault of his own the closure of the MA "A" school at Kings Bay, GA changed the completion date from 09 May 2003 to 06 June 2003. Per reference (d), service members must be qualified in the SRB rating/NEC on the date of reenlistment.

Subj: BCNR PETITION ICO 

6. The petitioner was required to be in the MA rate on the date of reenlistment. However, the petitioner was initially set to earn the MA rate on 09 May 2003 in accordance with the original BUPERS order 2402.

7. In view of the above, recommend effect a reenlistment on 09 May 2003 for three to six years. This change will entitle the member to a zone "C" SRB with an award level of 0.5 for the MA rate. The petitioner should receive the SRB without monetary loss of entitlement.

8. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


MMC(SS) USN
Reenlistment Incentives Branch