



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

MEH:ddj
Docket No: 3533-99
8 September 1999



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 8 September 1999. 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 BUPERS memorandum 1160 PERS 815 of 4 August 1999, 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
PERS-815
04 Aug 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: PERS-00ZCB

Subj: BCNR PETITION ICO ABHI [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 27 Apr 99
(b) NAVADMIN 047/98
(c) NAVADMIN 243/98

Encl: (1) BCNR File

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

- Petitioner reenlisted on 18 Jun 1998 for 4 years and received the maximum zone "B" SRB entitlement of \$20,000.00 for NEC 5326 offered in reference (b). Petitioner's EAOS at the time was 20 Jul 1998.

- Reference (c), released 03 Nov 1998 immediately raised the SRB ceiling of \$20,000.00 to \$30,000.00.

- Petitioner previously received a zone "A" SRB entitlement for the maximum of \$20,000.00 on 21 Jul 1994 for NEC 5326. Petitioner's EAOS at the time was 20 Aug 1994.

- Petitioner acknowledges that if he was allowed to reenlist at his original EAOS of 20 Aug 1994 for his zone "A" SRB entitlement, that his EAOS prior to this reenlistment of 18 Jun 1998 would have been 19 Aug 1998. Therefore petitioner would've had the opportunity to receive the SRB entitlement increase of \$30,000.00.

- Per reference (c), members who reenlisted or extended prior to the DTG of the message was entitled to SRB at the award level specified in their approved precert. Petitioner reenlisted five months prior to the release of reference (c) therefore petitioner is not eligible to receive the SRB maximum of \$30,000.00.

- BUPERS/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. Petitioner's hindsight is not sufficient grounds to recompute the SRB ceiling to reflect \$30,000.00 vice \$20,000.00 for the reenlistment of 18 Jun 1998. Petitioner was not improperly advised concerning the reenlistment one month prior to his EAOS of 21 Aug 1994 for his zone "A" SRB entitlement, because the actual SRB window at the

time was 30 days prior to the EAOS.

2. In view of the above, recommend petitioner's record remain as is.

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.



Headquarters
Reenlistment Incentives Branch