



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

MEH:ddj
Docket No: 3425-99
5 October 1999

[REDACTED]

[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 5 October 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 CNO memorandum 5420 SER N130D/159-99 of 9 September 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
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
5420
Ser N130D/159-99
9 Sep 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (NPC-00ZCB)

Subj: COMMENTS AND RECOMMENDATION IN THE CASE OF [REDACTED]
FOR [REDACTED]

Encl: (1) BCNR File #03425-99 with microfiche service record

1. The following provides comment and recommendation on Mr. Robles' petition.

2. This office concurs with the recoupment decision rendered by the Defense Finance and Accounting Service - Denver (DFAS-DE). Voluntary separation with Separation Program Designator (SPD) Code "KCC" (Reduction in Force) is reason for recoupment of the unearned portion of Selective Reenlistment Bonus (SRB), and this is the normal procedure.

3. [REDACTED] in his petition reports that his SPD code was change from "KCC", however, review of his service record does not reflect any change. If [REDACTED] has different information, request he furnish that information for further review of his case.

4. Finally, [REDACTED] reports that the detailer waived the SRB recoupment requirement. However, detailers are not empowered to waiver, or offer to waiver, recoupment requirements. This authority rests with the Chief of Naval Personnel in cases of voluntary separations, and the DFAS-DE recoupment action in this case is in concurrence with Navy policy.

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

Handwritten signature of Sean G. Neilan in cursive.

SEAN G. NEILAN
Head, Enlisted Bonus
Programs Policy Section