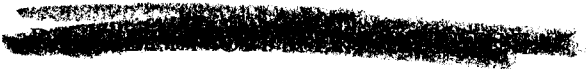




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 362-01
14 November 2001



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 14 November 2001. 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 NPC memorandum 5420 N130D2/01U1343 of 8 November 2001, 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, the portion of your application regarding the Enlistment Bonus (EB) has been denied. The names and votes of the members of the panel will be furnished upon request. Your entitlement to the Selective Reenlistment Bonus (SRB) has already been established under the provisions of OPNAVINST 1160. We cannot authorize a payment of funds without a corresponding correction to your record and in this case there is no correction to be made. You should contact the Naval Personnel Command for further guidance regarding this issue.

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.

Docket No. 362-01

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
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO

5420
N130D2/ 01U1343
8 Nov 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF HM3 [REDACTED]
[REDACTED] USN, [REDACTED]

Encl: (1) BCNR case file #00362-01 with microfiche service record

1. The following provides comment and recommendation on HM3
[REDACTED] petition.

2. HM3 [REDACTED] requested EB and SRB. To be eligible for an EB you must be an E-3 or below. According to HM3 [REDACTED] DD-4, he came back into the Navy as an E-4. Therefore, he is not eligible for EB. Additionally, Dod policy prohibits giving SRB and EB for the same period of time. However, HM3 [REDACTED] is eligible for SRB. His computation should be based on 75% of the amount of SRB he would have received had he reenlisted as a continuous service HM 8485 who reenlisted for five (5) years at an award level of 3.0. He receives only 75% because his break in service was less than two (2) years.

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

[REDACTED]
BRENDA [REDACTED]
Program Analyst,
Enlisted Bonus
Programs Branch