

DEPARTMENT OF THE NAVY

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

MEH:ddj Docket No: 5735-01 30 October 2001



MARKARD CEPTERSEANONS

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 30 October 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 1160 Pers 811 of 2 October 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, 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-811 02 Oct 01

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-JOZCB

Subj: BCNR PETITION ICO-THE REPAIR BLANGER BLANGER

- Ref: (a) SNM's DD Form 149 dtd 28 May 01
 - (b) MILPERSMAN 1160-100
 - (c) MILPERSMAN 1510-020
 - (d) NAVADMIN 085/01

Encl: (1) BCNR File

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

a. The petitioner reenlisted on 25 January 2000 for six years and received a zone "A" SRB entitlement for the FT(0000) rate. The petitioner reenlistment contract reflected the benefits of the STAR program.

b. The petitioner requests advancement to Petty Officer Second effective 16 January 2001 for having earned NEC 1175.

c. Per reference (b), automatic advancement under the STAR program is not a guarantee. Automatic advancement eligibility is based on the Career Schools List (CSL) in effect on the date of reenlistment.

d. Reference (c) did not list CCS MK-1 MOD-1 MAINT PIPELINE(NEC 1175) on the CSL at the time the member reenlisted. Reference (d) released on 11 April 2001 added the NEC 1175 to the CSL one year after the petitioner's reenlistment. Therefore the member is not eligible for automatic advancement via the STAR program.

2. In view of the above, recommend the 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.

NC (AW) Alead, Reenlistment Incentives Branch