



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

JLP:ddj
Docket No: 2212-01
8 January 2002

[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 8 January 2002. 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 N130D1/01U1176 of 2 August 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
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

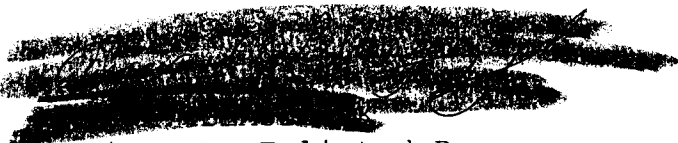
IN REPLY REFER TO
5420
N130D1/01U1176
2 Aug 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF FIREMAN


Encl: (1) BCNR case file #02212-01 with microfiche service record

1. The following provides comment and recommendation Fireman Oudhoff's petition.
2. N130 recommends denial of Fireman  petition for an Enlistment Bonus (EB).
3. Fireman  entered the Delayed Entry Program (DEP) on 11 May 2000, volunteered for the Seafarer Fireman Apprenticeship Program. He claims that he was not able to provide proof of his General Education Diploma (GED) prior to shipping which prevented an EB entry in his contract. In his petition Fireman Oudhoff requests favorable action that would allow payment of an EB.
4. EB is not an entitlement, but a recruiting tool used at the discretion of recruiters and classifiers to entice individuals to enlist in critical skills. The EB program is budgeted on quotas provided to the Commander, Navy Recruiting Command and the Enlisted Community Manager, not by the number of A-school accession seats. Every recruit is not offered nor receives an EB. In accordance with OPNAVINST 1160.6A "members enrolling in other than a 6 year obligor program must sign an Agreement to Extend Enlistment for a period of at least 12 months." EB contracts are guaranteed by an EB entry in Annex "A" to DD Form 4. Fireman  does not have an EB contract nor an extension in his service record and therefore is not entitled to an EB.
5. BCNR case file with microfiche service record is returned herewith as enclosure (1).


Assistant, Enlisted Bonus
Programs Branch