



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

MEH:ddj
Docket No: 6029-01
15 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 15 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 NPC memorandum 1160 Pers of 4 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, 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

04 NOV 01

MEMORANDUM FOR THE CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM'S DD Form 149 31 Jul 01
(b) MILPERSMAN 1160-040

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

a. The petitioner signed a NAVPERS 1070/621 extension on 10 May 00 to acquire necessary obligated service to accept Permanent Change of Station(PCS) orders. In accordance with reference (b) this is a "conditional extension". Conditional extensions for PCS orders can only be cancelled prior to the operative date if the member, through no fault of their own, did not receive any of the benefits for which the extension was executed.

b. The petitioner has received the benefits of the extension by accepting the PCS orders and completing the transfer to the new command.

c. Although PCS orders were modified, the member did not acquire the new OBLISERVE of OCT 2003 and was allowed to transfer without the OBLISERVE to complete a 24 month minimum activity tour.

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

3. This is an advisory memorandum to reference (a) for the use by the Board for correction of Naval Records (BCNR) only. Enclosure (1) is returned.

[REDACTED]
PNC (AW)

Head,

Reenlistment Incentives Branch