



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

MEH:ddj
Docket No: 7306-02
26 November 2002

[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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 November 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 Ser 811/442 of 28 October 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, and notwithstanding the comments contained in the advisory opinion, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The program you reenlisted for required a 6 year obligation, there is no justification for changing it to a 2 year term. 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
Ser 811/442
28 Oct 2002

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION IC0 [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 06 Aug 02
(b) NAVADMIN 049/01
(c) OPNAVINST 1160.6A

Encl: (1) BCNR File

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

a. The petitioner discharged from active duty on 11 March 1996 after 4 years 9 months and 11 days of Navy service. The petitioner's rate and rank on the date of discharge was QM3.

b. The petitioner NAVET enlisted on 28 September 2001 after 5 years 6 months and 11 days of discharge from active service. The petitioner enlisted as an ET3(SS) (due to QM(SS) & ET(SS) rate merge). Reference (b) listed a zone "A" SRB entitlement for the ETSS(0000) rate at the time the petitioner enlisted. The petitioner's ADSD was adjusted to 14 December 2002.

c. The petitioner was advised of the zone "A" SRB entitlement listed in reference (b) by his recruiter. Therefore the member signed the NAVPERS 1070/613 indicating that he was aware of a possible zone "A" SRB broken service entitlement.

d. The petitioner was later advised that he was not eligible for the broken service SRB entitlement. Per reference (c), SRB broken service eligibility service member must have more than 24 hours but less than four years break in service.

e. The petitioner requests to change the six year enlistment contract of 28 September 2001 to reflect two years to allow him to reenlist prior to passing through the zone "A" window.

2. In view of the above, recommend the petitioner's enlistment contract of 28 September 2001 be changed to reflect two years. This change will give the member an EAOS of 27 September 2003.

Subj: BCNR PETITION ICO [REDACTED]

Additionally, this change will allow the member to reenlist prior to passing through the zone "A" window on 13 December 2002.

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.



MMC(SS) USN
Reenlistment Incentives Branch