

CONCLUSION

Upon review and consideration of all the evidence of record, and after careful consideration of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. The Petitioner was discharged on 20 February 2006 and reenlisted, on 21 February 2006. The term is 6 years.

b. This change will entitle the member to a zone "B" SRB with an award level of 3.0 for NEC 2780. Remaining obligated service to 25 September 2009 will be deducted from SRB computation.

c. That so much of Petitioner's request for corrective action as exceeds the foregoing be denied for the reasons stated below.

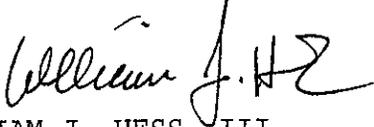
d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. The Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice extending back to March 2000 timeframe. Accordingly, the Board has denied the portion of the request seeking a change to replace the September 2003 reenlistment with a March 2000 STAR reenlistment. Before making this determination, the Board gave careful consideration to the comments contained in the advisory opinion. The Board noted that Petitioner initially enlisted for a term of four years with an additional twenty-four month extension. Petitioner's "end of active obligated service" (EAOS), as extended, was 21 December 2003. Petitioner was apparently eligible for STAR reenlistment in March 2000, but there is no evidence that he sought reenlistment under that program. He thereafter reenlisted in September 2003 for a term of six years in exchange for a substantial "Zone A" reenlistment bonus (\$45,000). However, during the period between March 2000 (when he could have reenlisted for STAR) and September 2003 (when he actually reenlisted for a bonus), the Navy could only rely on Petitioner's active service through December 2003. Moreover, there is no evidence that Petitioner had any objection to the September 2003 reenlistment (vice a March 2000 STAR reenlistment) until January 2009. Petitioner

neglected to assert any claim of error regarding the STAR reenlistment for almost nine years. That neglect caused a disadvantage to the Navy as described above. Under these circumstances, the Board found that a change to show that Petitioner reenlisted under the STAR program in March 2000 vice September 2003 is not warranted and relief should be limited to Petitioner's most recent opportunity to reenlist for a "Zone B" bonus in February 2006.

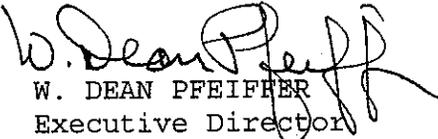
5. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


WILLIAM J. HESS, III
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

24 March 2009


W. DEAN PFEIFFER
Executive Director