



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

DJC
Docket No. 1381-09
16 June 2009

[REDACTED]

Dear [REDACTED]

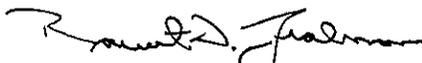
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 June 2009. 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 Memo 1160 Ser 811/213 dtd 15 Apr 09, 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
Ser 811/213
15 Apr 09

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-31C

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 16 Feb 09
(b) OPNAVINST 1160.6A
(c) NAVADMIN 195/06

Encl: (1) BCNR File .

1. Per references (a) through (c), recommend disapproval to the petitioner's request.
2. The petitioner is requesting to change his 4 year reenlistment contract, NAVPERS 1070/601 dated 9 Sep 2004 to a 6 year reenlistment dated 9 Sep 2006 to receive \$45,000.00 of SRB.
3. At the time of reenlistment, SRB for ETSW in zone "A" award level was 0.0. Reference (c) released on 5 Jul 2006 increased the award level to 4.0.
4. Navy Personnel Command/OPNAV cannot provide information pertaining to subsequent SRB NAVADMINs until the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to the reenlistment. Petitioner's hindsight is not sufficient grounds to change the reenlistment date as no error or injustice was committed.
5. In view of the above, recommend the petitioner's record remains as is.
6. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


C. E. ALMESTILLMAN
Division Director
Enlisted Career Progression

MAY 14 2009