



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

DJC
Docket No. 1659-09
9 June 2009

[REDACTED]

Dear [REDACTED]

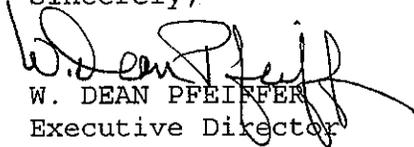
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 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 811/253 dtd 24 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 811/253

24 Apr 09

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-31C

Subj: BCNR PETITION ICC [REDACTED]

Ref: (a) SNM'S DD Form 149 dtd 4 Feb 09
(b) OPNAVINST 1160.8A
(c) NAVADMIN 240/08
(d) MILPERSMAN 1160-120

Encl: (1) BCNR File

1. Per references (a) through (d), recommend disapproval to the petitioner's request.
2. The petitioner is requesting to expunge his 4 year reenlistment contract, NAVPERS 1070/601 dated 1 Oct 2008 and affect a new 6 year reenlistment contract on 15 Mar 2009.
3. The petitioner was an E4 and ineligible to reenlist for 6 years on his date of reenlistment due to HYT of reference (d). If the petitioner had been counseled to wait to reenlist on his EAOS so his 24 month extension would not be deducted from his SRB, he was not eligible for SRB as his award level has been reduced to 0.0. The petitioner's hindsight is not sufficient grounds to change the reenlistment date as no error or injustice occurred.
4. In view of the above, recommend the petitioner's record remains as is.
5. 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. AIMESTILLMAN
Division Director
Enlisted Career Progression

