



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

MEH:ddj
Docket No: 869-01
30 May 2001



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 30 May 2001. 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 BUPERS memorandum 1160 PERS 815 of 1 May 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-815
01 May 01

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO S [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 31 Oct 00
(b) NAVADMIN 183/97
(c) NAVADMIN 047/98

Encl: (1) BCNR File

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

a. Reference (b) released on 28 July 1997, awarded NEC 2735 to eligible sailors who have not completed the formal military course of instruction.

b. The petitioner submitted a request to receive NEC 2735 through his command on board the USS DALLAS. However, the petitioner's Executive Officer denied the request for NEC 2735. The petitioner was later awarded NEC 2735 in March 2000.

c. The petitioner reenlisted on 15 July 1998 for five years to continue active service. The petitioner requests to backdate the effective date of receiving NEC 2735 from March 2000 to 15 July 1998 and receive the zone "B" SRB entitlement offered in reference (c).
c

d. Reference (c) listed a zone "B" SRB entitlement for the RM(2735) rate/NEC at the time the petitioner reenlisted. Unfortunately, reference (c) does not indicate if NEC 2735 was available to all rates that hold the NEC for SRB eligibility.

e. PERS-815 does not have the authorization to determine the petitioner's eligibility for NEC 2735 upon the release of reference (b). NEC changes are determined by EPMAC.

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

Subj: BCNR PETITION ICO S [REDACTED]

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.

[REDACTED]

PNC (AW) USN
Head,
Reenlistment Incentives Branch