



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

MEH:ddj
Docket No: 2927-01
14 August 2001

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 August 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 13 July 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
13 Jul 01

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORD

Via: PERS-OOZCB

Subj: BCNR PETITION ICO: [REDACTED]

Ref: (a) SNM'S DD Form 149 dtd 28 Mar 01
(b) NAVADMIN 132/99
(c) OPNAVINST 1160.6A

Encl: (1) BCNR File

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

a. The petitioner discharged from active Navy service on 09 October 1989 after four years of total service. The petitioner's separation rate and pay grade was OS/E5. The petitioner re-enlisted for active navy service on 23 February 2000 for four years.

b. Reference (b) listed a zone "A" SRB entitlement for the OS(0000) rate at the time the petitioner reenlisted for active service. The petitioner requests to change his current enlistment contract of 23 February 2000 to reflect two years vice four years and allow him the opportunity to reenlist without monetary loss of SRB entitlement.

c. Per reference (c), service members that discharge from active navy service from 24 hours to less than four years of discharge maybe eligible for a broken service SRB entitlement. The petitioner was discharge from active navy service for over 10 years. However, the petitioner is not requesting SRB based on a broken service entitlement, but states his contract should have reflected a lesser term for SRB purposes.

d. Upon re-entry to active service, MEPS stations are tasked to review NAVET service members SRB eligibility for the present enlistment. Therefore, knowing that the petitioner was not qualified for broken service SRB the member was properly advised to re-enlist for four years.

e. The petitioner is not eligible to change his current contract to reflect two years vice four years. However, the petitioner's adjusted ADSD is 23 February 1996. The member will pass through the zone "A" window of eligibility on 22 February 2002. The petitioner will be eligible to reenlist for a zone "A" SRB at that time.

Subj: BCNR PETITION ICO [REDACTED]

2. In view of the above, recommend the petitioner's record to remain as is.

3. This is an advisory memorandum to reference (a) for the use by the Board for correction of Naval Records (BCNR) only. Enclosure (1) is returned.

[REDACTED]

ENC (AW) USN
Head,
Reenlistment Incentives Branch