



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

MEH:ddj
Docket No: 3457-01
24 July 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 24 July 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 26 June 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
26 Jun 01

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-OOZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 18 Apr 01
(b) MILPERSMAN 1160-100
(c) NAVADMIN 143/98
(d) NAVADMIN 176/00

Encl: (1) BCNR File

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

a. The petitioner reenlisted on 06 July 2000 for six years and received a zone "A" SRB entitlement for the MM(4231) rate/NEC.

b. The petitioner requests to change the six year reenlistment contract to reflect benefits of the STAR program and receive automatic advancement to Petty Officer Second Class. Per reference (b), automatic advancement is authorized if the "C" school or "C" school package the service member completed was listed on the Career Schools List in effect on the date of reenlistment.

c. The petitioner earned NEC 4231 in May 1999. Reference (c) released on 09 July 1998 removed the SSN/SSBN AUXILIARY PACKAGE COURSE (NEC 4231) from the Career Schools List (CSL) at the time the petitioner reenlisted.

d. Reference (d) released 12 July 2000 with an effective date of 01 August 2000 added NEC 4231 as an available "C" school on the CSL.

e. Navy Personnel Command cannot provide information pertaining to subsequent STAR NAVADMIN's CSL until after the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to his reenlistment. The petitioner's hindsight is not sufficient grounds to change the reenlistment contract to reflect STAR reenlistment as no error or injustice was committed.

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

