MEH:ddj
Docket No: 4291-00
11 October 2000

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 11 October 2000. 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 29 August 2000, 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

1160
PERS-815
29 Aug 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO ▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓

Ref: (a) SNM's DD Form 149 dtd 30 May 00
        (b) NAVADMIN 132/99
        (c) NAVADMIN 050/00

Encl: (1) BCNR File

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

    - The petitioner signed an extension on 23 August 1999 for 24
months to extend EAOS to match PRD of November 2001.

    - Reference (b) did not list a zone "B" SRB entitlement for
the AE(0000) rate at the time the petitioner signed the
extension.

    - Reference (c) released on 10 March 2000 with an effective
date of 1 April 2000 listed a zone "B" SRB entitlement for the
AE(0000) rate with an award level of 2.0.

    - The petitioner requests to cancel the remaining time of the
24 month extension and to allow him to reenlist for the zone "B"
SRB entitlement offered in reference (c).

    - Naval Personnel Command/OPNAV cannot provide information
pertaining to subsequent SRB NAVADMINS until after the NAVADMIN
has been released. Therefore the petitioner could not have been
counseled concerning reference (c) prior to the reenlistment.
The petitioner's hindsight is not sufficient grounds to expunge
the extension agreement as no error or injustice was committed.

    - The petitioner's ADSD is 17 September 1990. The petitioner
will pass through the zone "B" window of eligibility on 16
September 2000. Reference (d) provides an early SRB window
during the month of passing through zone and on or before the
date of passing through zone. Additionally, per reference (d),
the zone "B" window is six years to 10 years of active service.
Therefore, the petitioner will be eligible to reenlist for the
zone "B" SRB entitlement in September 2000 prior to the date of
passing through the zone.

Subj: BCNR PETITION ICO ~~[REDACTED]~~

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

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.

Head,
Reenlistment Incentives Branch