

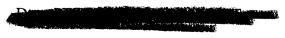
DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS 2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj Docket No: 4438-01 21 August 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 21 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 25 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

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Enclosure



DEPARTMENT OF THE NAVY NAVY PERSONNEL COMMAND 5720 INTEGRITY DRIVE MILLINGTON TN 38055-0000

1160 PERS-815 25 Jul 01

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

- Via: PERS-00ZCB
- Subj: BCNR PETITION ICO G

Ref: (a) SNM's DD Form 149 dtd 24 May 01

- (b) NAVADMIN 050/00
- (c) NAVADMIN 253/98
- (d) OPNAVINST 1160.6A

Encl: (1) BCNR File

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

a. The petitioner received lateral conversion approval from PERS 815 on 10 July 2000 to attend FC "A" school. The petitioner was required to obliserve prior to attending the "A" school training therefore the petitioner obligated via the "Obliserve to train and reenlist" option offered in reference (b).

b. Per reference (b), members not SRB eligible who agree to obliserve to train and reenlist for service in a rating or NEC that at the time of the agreement is designated for award of SRB may be paid the bonus for that specialty. Once the member had completed the training, the code 1CC would be used to request the SRB and cite "Obliserve to train and then reenlist" would be place in the remark section of the request. Reference (b) listed a zone "B" SRB entitlement for the FC(0000) with an award level of 4.0 at the time the petitioner attended the training.

c. The petitioner passed through the zone "B" window of eligibility on 08 April 2001 while in attendance at the FC "A" school. The petitioner reenlisted on 27 June 2001 for six years upon the completion date of training and received a zone "C" SRB entitlement for the FC(0000) with an award level of 0.5.

d. The petitioner request to adjust the zone $^{\rm ``C''}$ SRB entitlement to reflect zone $^{\rm ``B''}$ and receive the higher SRB entitlement.

d. Reference (b) guarantee that the SRB will be paid at the award level in effect at time of agreement of at award level in effect at reenlistment, whichever is higher. However, reference (b) do not guarantee the zone at the time of agreement. Subj: BCNR PETITION ICO

f. Per reference (d), zone be window of eligibility is for six years of active service to 10 years. Currently there are no waivers concerning SRB zone restrictions.

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.

PNC(AW) Head, Reenlistment Incentives Branch

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