



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

MEH:ddj
Docket No: 5254-01
30 October 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 30 October 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 NPC memorandum 1160 Pers 811 of September 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-811
20 Sep 01

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO 

Ref: (a) SNM's DD Form 149 dtd 02 Jul 01
(b) NAVADMIN 050/00

Encl: (1) BCNR File

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

a. The petitioner signed a NAVPERS 1070/621 extension contract on 18 December 2000 for 38 months to accept BUPERS orders 2020. The petitioner's EAOS at the time of signing the extension was 07 March 2002.


b. The petitioner request to cancel the 38 months extension to avoid monetary loss of zone "B" SRB entitlement.

c. Per reference (b) released on 02 March 2001 with list a zone "B" SRB entitlement for the AD(0000) rate. However, reference (c) released on 10 March 2000 with an effective date of 01 April 2000eff did not list a zone "B" SRB entitlement for the AD(0000) rate.

d. PERS-815 cannot determine the basis for the petitioner's request to backdate his STAR reenlistment to 16 October 1995. Additionally, it is not the responsibility of PERS-815 to assign "C" schools that will allow the service member the opportunity for automatic advancement.

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) USN
Head,
Reenlistment Incentives Branch