



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

JLP:ddj
Docket No: 4050-02
24 September 2002

[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 September 2002. 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 CNO memorandum 5420 N130D1/02U0465 of 28 August 2002, 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
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

5420 IN REPLY REFER TO
N130D1/ 02U0465
28 Aug 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF PETTY OFFICER
[REDACTED]

Encl: (1) BCNR case file #04050-02 with microfiche service
record

1. The following provides comment and recommendation Petty
Officer [REDACTED]'s petition.

2. N130 recommends denial of Petty Officer [REDACTED]'s petition for
an Enlistment Bonus (EB).

3. Petty Officer [REDACTED] entered the Delayed Entry Program (DEP) on
31 October 1996, volunteered for the Nuclear Field Program and
signed a contract in the amount of \$4,000 EB. While in the
Nuclear Field Program he was disqualified from the NF Program.
Petty Officer Reed requests favorable action that would allow
payment of \$4,000 EB.

4. EB is not an entitlement, but a recruiting tool used at the
discretion of recruiters and classifiers to entice individuals
to enlist in critical skills. Eligibility for EB requires that
the member successfully complete the required course of
instruction, continues in the program, and be designated in the
guaranteed rating or skill. Members that fail to complete the
basic qualification for the EB, including failure to graduate
from required schools and who do not continue in the skill for
which enlisted, will have the EB option nullified. Petty
Officer [REDACTED] did not complete the required course of instruction
for which the EB was granted and therefore is not entitled to an
EB.

5. BCNR case file with microfiche service record is returned
herewith as enclosure (1).

[REDACTED]
Head, Enlisted Bonus
Programs Branch