



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

JLP:ddj
Docket No: 4196-02
17 December 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 17 December 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 N130D1/02U0585 of 29 October 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

IN REPLY REFER TO

5420
N130D1/02U0585
29 Oct 2002

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Encl: (1) BCNR case file #04196-02 with microfiche service record

1. The following provides comment and recommendation on Seaman
Apprentice [REDACTED] petition.

2. N130 recommends denial of on Seaman Apprentice [REDACTED]
petition for a waiver on recoupment of Enlistment Bonus (EB).

3. Seaman Apprentice [REDACTED]'s enlisted in the Navy through
the Delayed Entry Program (DEP) on 11 June 1999 and volunteered
for the GENDET Targeted Enlistment Program Guarantee, and signed
an EB contract in the amount of \$2,000. In her petition, Seaman
Apprentice [REDACTED] requests favorable action that would
change her separation date in order to allow her to retain her
EB payment.

4. OPNAV Instruction 1160.6A provides details for
administration of the Enlisted Bonus Program and states
"Continued entitlement to EB requires the member to maintain
qualification in the skill for the entire enlistment for which
the bonus was paid." Seaman Apprentice [REDACTED] voluntarily
separated from the Navy on 02 June 2000, less than one year into
her four-year enlistment. She did not complete the obligated
period of service for which the bonus was paid. In Seaman
Apprentice [REDACTED]'s case, pro-rata recoupment of the EB is
required.

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

[REDACTED]
Head, Enlisted Bonus
Programs Branch