



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

JLP:ecb
Docket No: 5688-03
28 October 2003

Dear [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 28 October 2003. 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 N130D1/030658 dated 10 September 2003, 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/ 03U0658
10 Sep 2003



MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF PETTY OFFICER
██

Encl: (1) BCNR case file #05688-03 with microfiche service record

1. The following provides comment and recommendation on ██████████
██
petition.
2. N130 recommends disapproval of ██████████
petition for an Enlistment Bonus (EB) in the amount of \$14,000.
3. ██████████ entered the Delayed Entry Program
(DEP) on 19 May 2001, volunteered for the Nuclear Field Program,
and signed an EB contract in the amount of \$14,000. He shipped
to active duty on 26 March 2002. In his petition ██████████
██████████ requests favorable action that would allow payment of a
\$14,000 EB in accordance with CNO message 201100Z JUL 01.
4. EB eligible ratings and award levels are announced by OPNAV
(GENADMIN) messages. The message in effect the day a member
enters the DEP and the day the member ships to active duty,
determines the amount of EB a member is eligible to receive. In
accordance with BUPERS message 142123Z NOV 00 (message in effect
at the time ██████████ entered the DEP), a member
entering the Nuclear Field program and shipping to active duty
between FY01 and FY03, was eligible for an EB at the award level
of \$12,000. BUPERS message 061630Z FEB 02 amends 142123Z NOV 00
but members must ship between 1 February through 31 May 2001 to
receive an EB of \$14,000. Since ██████████ shipped
after those designated dates he qualifies for an EB of \$12,000.
Please update ██████████ Annex "A" to his DD Form 4
to reflect an EB in the amount of \$12,000 and update his pay
record.
5. BCNR case file with microfiche service record is returned
herewith as enclosure (1).

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Head, Enlisted Bonus
Programs Branch