



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

MEH:ecb
Docket No: 6334-03
21 October 2003

[REDACTED]

Dear [REDACTED]

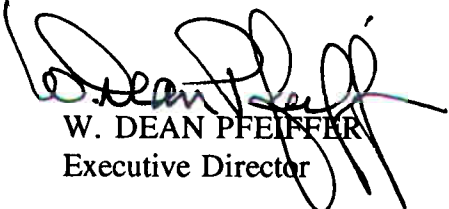
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 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 PERS memorandum 1160 Ser 811/454 dated 26 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

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000


1160

Ser 811/454

26 Sep 2003

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORD


Via: PERS-OOZCB

Subj: BCNR PETITION ICO 

Ref: (a) SNM'S DD Form 149 dtd 23 Jul 03
(b) NAVADMIN 050/00
(c) OPNAVINST 1160.6A

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval to the petitioner's request.
2. The petitioner reenlisted on 05 April 2000 for six years and received a zone "B" SRB entitlement for the HM(8493) rate/NEC. Reference (b) listed the HM(8493) rate/NEC at the 1.0 award level at the time the member reenlisted.
3. The petitioner requests to have the SRB payment readjusted to reflect the 4.0 award level for the Diver NEC 5342. The petitioner states that the MEDICAL DEEP SEA DIVING TECHNICIAN (NEC 8493) training is the same as the DIVER SECOND CLASS (NEC 5342). However, reference (b) lists the award level for NEC 5342 at 4.0 and NEC 8493 at 1.0.
4. PERS-811 cannot determine how a NEC is awarded at the completion of training. However, per reference (c), the member must be serving in a SRB rating/NEC on the date of reenlistment. The SRB payment cannot be increased unless the service member holds the actual rate/NEC listed on the SRB award level message.
5. In view of the above, recommend the petitioner's record remain as is.
6. This is an advisory memorandum to reference (a) for the use by the Board for correction of Naval Records (BCNR) only. Enclosure (1) is returned.


MMC(SS) USN

Reenlistment Incentives Branch