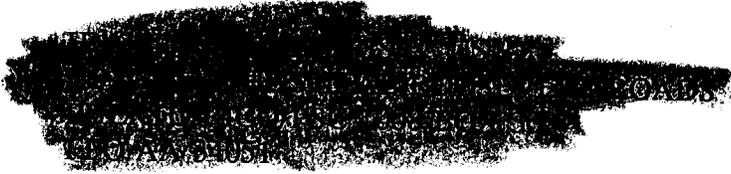




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 3896-00
27 March 2001



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 27 March 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 BUPERS memorandum 1160 PERS 815 of 17 August 2000, 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-815
17 Aug 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 26 May 00
(b) NAVADMIN 132/99
(c) OPNAVINST 1160.6A

Encl: (1) BCNR File

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

- The petitioner's ADSD is 24 August 1993.

- The petitioner transferred in June 1999 to NSHS SAN DIEGO, CA to attend NEC 8451 "C" school training. Reference (b) carried a zone "A" SRB entitlement for the HM(8451) rate/NEC at the time the petitioner transferred for training.

- The petitioner passed through the zone "A" window of eligibility on 23 August 1993.

- The petitioner completed NEC 8451 training in September 1999. Reference (b) provided a zone "A" SRB entitlement for the HM(8451) rate/NEC, there was not a zone "B" entitlement.

- The petitioner requests to effect a zone "A" eligible reenlistment in September 1999 and receive the SRB offered in reference (b) for NEC 8451 due to passing through the zone "A" while in a student status.

- Per reference (d), section (M) note 11, service members must successfully complete formal training and be designated in the new skill at reenlistment to be eligible for SRB at the new skill award level.

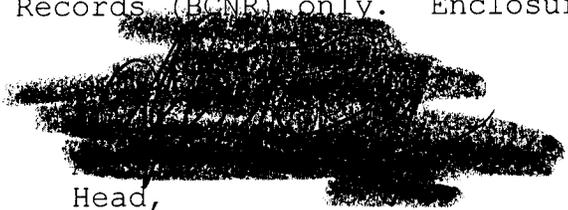
- The petitioner passed through the zone "A" SRB eligible window approximately one month prior to obtaining the NEC 8451. Therefore, the petitioner is not eligible to receive the zone "A" entitlement because upon earning the NEC 8451 in September 1999, the petitioner was in the zone "B" window.

- PERS 815 does not have the authority to recommend backdating the petitioner's completion date of training to allow him the opportunity to receive the zone "A" SRB entitlement prior to passing through the zone "A" window.

Subj: BCNR PETITION ICO [REDACTED] USN, 340-11-3000

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.



Head,
Reenlistment Incentives Branch