



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5420

PERS-862

JUN 10 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (NPC-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF [REDACTED].
[REDACTED]

Ref: (a) Assistant for BCNR Matters 5420 (NPC-00ZCB) Memo of
20 May 99
(b) BUPERSINST 1430.16D

Encl: (1) BCNR File #01696-99 w/Microfiche

1. Per reference (a), the following comments and recommendations are submitted concerning Seaman [REDACTED] case.

2. Seaman [REDACTED] request to participate in the August 1998 (Cycle 063) exam was disapproved due to lack of experience in the "EO" rating. We have no record of a request to participate in the February 1998 (Cycle 062) exam. Permission was granted for her to participate in the February 1999 (Cycle 064) navywide exam due to more experience in on the job training with her Seabee battalion. BCNR action to revalidate her February 1998 (Cycle 062) examination would be inappropriate.

3. In view of the above, we recommend Seaman [REDACTED] petition be denied.


G. S. MCGRATH
By direction



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

LCC:tj
Docket No: 1696-99
13 July 1999

[REDACTED]

Dear SEAMAN [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 13 July 1999. 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 5420 PERS-862 of 10 June 1999, 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