



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

SMC  
Docket No: 03289-98  
7 May 1999

HM3 [REDACTED] USN  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Petty Officer [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 6 May 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 the Bureau of Naval Personnel dated 24 September 1998, 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. The Board was unable to find your reporting senior erred by marking you other than "not observed" in block 39 ("leadership") of the contested evaluation. In view of the above, 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

3289-98



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

IN REPLY REFER TO

1610  
Pers-311  
24 SEP 98

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

Via: BUPERS/BCNR Coordinator (Pers-00XCB)

Subj: HM3 [REDACTED] USN, 212-13-1575

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification of her performance report for the period of 1 September 1996 to 27 November 1996 to an average grade of "3.0".

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the member was an E-4 at the time of the report. Since E-4 and below reports are not filed in the headquarters record, our comments are based on an uncertified copy of the report provided with the member's petition.

b. Review of the report itself revealed the member's signature, with the member indicating she desired to make a statement to the report. The member includes the statement in her petition; however, per reference (a), Annex S, paragraph S-8 and S-8.b, the member shall submit the statement via the reporting senior for inclusion in the member's field service record. The endorsement to the statement was not signed by the original reporting senior, [REDACTED]. Since the statement was not prepared in accordance with reference (a), it is not acceptable for file.

c. The member alleges that she was not counseled on her declining performance as required by reference (a). Mid-term counseling on performance is mandatory in accordance with reference (a), Annex C, with more frequent counseling encourage if needed. Because counseling may occur in different ways, written counseling is not required.

d. The report represents the judgement and appraisal

Subj: HM3 [REDACTED] USN [REDACTED]

responsibilities of the reporting senior for specific period of time. It is not required to be consistent with previous or subsequent reports.

e. The member does not prove the report to be unjust or in error.

3. We recommend retention of the report as written.

[REDACTED]

Head, Performance  
Evaluation Branch