



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

HD:hd
Docket No: 03514-98
24 May 1999

LCDR [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Command [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 20 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 10 June 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. Further, the Board was unable to find you should have been considered by an earlier lieutenant commander spot promotion selection board. 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



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO
5420
Ser 26/110

JUN 10 1998

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subject: [REDACTED] USN [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending disapproval of [REDACTED]'s request to backdate his date of rank.
2. [REDACTED] was selected by the Fourth Quarter FY97 Lieutenant Commander Spot Promotion Selection Board. The nomination for that board was confirmed by the Senate on 2 March 1998. SECNAVINST 1421.3H directs that officers selected for spot promotion will be appointed to the grade of LCDR effective on the date they report to the qualifying billet or the date of Senate confirmation, which ever is later. He has no entitlement to a back-date, furthermore, the instruction does not authorize retroactive appointments or backpay, therefore, his date of rank will be the date of Senate confirmation.
3. Recommend disapproval of [REDACTED] request.

BCNR Liaison, Officer Promotions
and Enlisted Advancements Division