



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

LCC:lc
Docket No: 8670-98
25 May 1999

[REDACTED] USNR-R
[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 25 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 NPC memorandum 5420 NPC-862 of 23 April 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



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

5420
NPC-862

APR 23 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 DC3(SEL)
[REDACTED], USNR-R, [REDACTED]

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

Encl: (1) BCNR File #08670-98 w/Microfiche

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

2. Petty Officer [REDACTED]'s petition offers no evidence to support the claim he was denied the opportunity to participate in his examination. Additionally, reference (b) provides for substitute examinations for personnel who are inadvertently denied the opportunity to participate in a regular scheduled examination due to operational commitment or administrative oversight. These provisions clearly apply to this case and BCNR action to change the effective date of rate would be inappropriate.

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

[REDACTED]
By direction