



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

SMC
Docket No: 09459-97
7 May 1999

MR [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[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, where you requested modification of your performance evaluation for 15 June 1996 to 15 March 1997 to show you were recommended for retention, and remove derogatory remarks relating to blocks 36 ("military bearing/character"), 45 ("promotion recommendation"), and 47 (retention recommendation).

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 6 February 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. 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

9459-97



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

IN REPLY REFER TO
1610
Pers-32

PLS 6 008

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

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

Subj: FORMER [REDACTED] USN, [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual
(b) ALNAV 080/96, DUI/DWI Policy

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of his performance report for the period of 15 June 1996 to 15 March 1997.

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

a. A review of the member's headquarters record revealed the report in question to be on file. The report is signed by the member in block 51 acknowledging the contents of the report and his rights in accordance with Navy Regulations. The member indicates in block 51 that he desires to submit a statement to the report; however, one has not been received by Pers-322. In accordance with reference (a), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement if desired.

b. The marks, comments and recommendations contained in the report are the responsibility of the reporting senior. In accordance with reference (b), paragraph 1, substantiated alcohol abuse is to be documented in the member's service record by specifically addressing it in the member's evaluation.

c. The report represents the appraisal responsibility of the reporting senior for a specific period of time. It is not required to be consistent with previous or subsequent reports and is not routinely open to challenge.

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

3. We recommend retention of report as written.

CP 1

Subj: FORMER AMS2 [REDACTED] USN [REDACTED]

4. We recommend the member's petition be forwarded to the Head, Enlistment/Reenlistment Incentives Branch (Pers-815/255) for comment on the member's eligibility for a separation bonus.

[REDACTED]

Director, Military Personnel
Evaluation & Correspondence
Division