



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 02755-99

21 September 1999

LT [REDACTED] USNR
[REDACTED]
[REDACTED]

Dear Lieutenant [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. You requested that your record be corrected to show you were on the Inactive Status List (ISL) from Fiscal Year (FY) 95 to 97; that your failures of selection by the FY 97 through 99 Reserve Staff Lieutenant Commander Selection Boards be removed; and that action to effect your discharge from the Naval Reserve on 1 October 1999 be set aside.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 September 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 Navy Personnel Command dated 8 June 1999 with enclosures, a copy of which is attached. They also considered your letter dated 29 July 1999 with two supporting statements, each dated 20 August 1999.

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 found you did not fail of selection by the FY 97 Reserve Staff Lieutenant Commander Selection Board. They found no reason you should have been on the ISL from FY 95 through 97, noting you were removed from the ISL at your own request. You contend you did not have time to prepare for the FY 98 Selection Board, as you did not start drilling until September 1997, and the promotion board met that same fall. The Board found no indication of any error or injustice in the fact you did not start drilling until September 1997, when you had been removed from the ISL by the letter dated 1 October 1996. They

found nothing to support your assertion that this removal was not effected until August 1997. Since they found insufficient basis to remove your failures of selection to lieutenant commander, they had no grounds to set aside action to effect your discharge from the Naval Reserve on 1 October 1999.

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