



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

HD:hd
Docket No: 01524-01
4 June 2001

LT [REDACTED] USN
[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 lieutenant date of rank be changed from 1 October 2000 to 1 February 2000, to reflect selection by the Fiscal Year (FY) 00 Line Lieutenant Selection Board, vice the FY 01 Line Lieutenant Selection Board. You also impliedly requested removal of your failure of selection by the FY 00 Line Lieutenant Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 May 2001. 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 23 April 2001, a copy of which is attached. The Board also considered your letter dated 17 May 2001 with enclosure.

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 noted that you acknowledge you did not send the awards in question by certified mail, return receipt requested. You assert that in early June 1999, you called NPC (PERS-85) to verify that the awards had been received, and that unnamed personnel told you that your record was "complete"; however, you do not allege that you were specifically told the awards had been received. In this regard, the Board noted that the Chief of Naval Personnel letter of 21 March 2000 to you stated "awards are not required to establish record completeness before a 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
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-85
23 Apr 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT [REDACTED], USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of [REDACTED] request to backdate his date of rank.
2. [REDACTED] presents no supporting documentation that he submitted the two awards to the FY-00 Active Duty Lieutenant Line Promotion Selection Board. As he provides no new evidence to support his request, a backdate is not warranted.
3. Recommend that [REDACTED] date of rank remain unchanged.

[REDACTED]
BCNR Liaison, Officer Promotions
and Enlisted Advancements Division