



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

SMC
Docket No: 02142-01
2 August 2001

PNC [REDACTED] USN
[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. You requested a special selection board for appointment as a limited duty officer (LDO) or chief warrant officer (CWO) for Fiscal Year (FY) 01 and 02.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 August 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 9 May 2001, a copy of which is attached, and your letter dated 4 July 2001.

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.

Contrary to paragraph 1 of the advisory opinion, the Board found you are correct that a special selection board could be convened, under the Board's own authority, to reconsider you for an LDO or CWO appointment. However, they otherwise substantially concurred with the opinion. They were unable to find any defect in your previous considerations for LDO/CWO appointment. For reasons explained in paragraph 7 of the advisory opinion, they found the FY 01 selection of a candidate ranked third by your commanding officer, while you were ranked in the top two, does not establish that you were improperly considered. 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

02142-01

1131
Ser 811D/1U163
9 May 01

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

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: COMMENTS AND RECOMMENDATION IN CASE OF PNC(SW)
[REDACTED] USN [REDACTED]

Ref: (a) BUPERSINST 1120.3C

1. [REDACTED] applications were placed before the FY-01 and FY-02 LDO/CWO selection boards. In accordance with reference (a) the member is not eligible to request a waiver of requirement for Board Action. The references listed in [REDACTED] letter do not pertain to enlisted applicants applying for the LDO/CWO program. There are no provisions to convene a Special Board for LDO/CWO non-selects.

2. For both years under discussion, his applications were considered for Chief Warrant Officer designator 7411 and Limited Duty Officer designator 6412 as requested in his application. As indicated in his letter, he was not selected by either board. The LDO/CWO selection board as outlined in reference (a) is an administrative selection board.

3. The administrative procedures for selection constitute a competitive system that requires the selection of the best and fully qualified applicants from a group of generally outstanding candidates. Every selection board considers a group of highly capable individuals. This process inevitably results in a certain number of personnel failing selection one or more times.

4. Candidates are often not aware that members participating on a selection board as a voting member, recorder, or affiliated with the selection board process in any way, are prohibited from discussing why one particular individual is/was selected over another. The proceedings of selection boards are confidential in nature, and as a matter of policy and law, records of deliberations are not kept; therefore, counseling of failed to select candidates by those associated with the selection board process is prohibited.

(2) ADVISORY OPINION

Subj: COMMENTS AND RECOMMENDATION IN CASE OF PNC(SW)
[REDACTED] USN [REDACTED]

5. Regrettably, there is no standardized checklist we can provide to candidates who are not selected by an enlisted administrative board. The Deputy Chief of Naval Operations (Manpower and Personnel) charges a board with the responsibility of finding the best and fully qualified candidates for selection. While it is inadvisable to provide specific guidance or counseling to an individual as to why they were not selected for commissioning, it is equally inadvisable to convene a special board to reconsider an application of a person who was not selected.

6. There are very specific guidelines for the conduct of this administrative board contained in the precept governing the board. The records of the proceedings of the FY-01 and FY-02 LDO/CWO selection boards indicated that all applications before the board, including PNC [REDACTED] were reviewed and evaluated fairly and in accordance with the guidance provided by the Deputy Chief of Naval Operations (Manpower and Personnel). Every indication is that PNC [REDACTED] "ranking and/or special qualifications" were, in fact, considered by both selection boards.

7. It is a matter of public knowledge that precepts emphasize assessment of the "whole person" in the review of a record. While rankings tell a selection board how a particular reporting senior ranks an individual against a given group of people, no single ranking is the sole criteria for selection. The "best and fully qualified" standard is directed and applied during selection boards.

8. To provide fleet feedback, the NAVADMIN announcing the results of the FY-02 LDO/CWO selection board included five common characteristics shared by a majority of the selectees. Regrettably, many applicants who were not selected due to quota limitations or overall career performance history also had many of these five common characteristics.

9. I encourage [REDACTED] continue to apply for a commission. His request for a special board is invalid therefore, reapplying for the FY-03 LDO/CWO board is his best avenue for a commission.

Subj: COMMENTS AND RECOMMENDATION IN CASE OF PNC(SW)

[REDACTED] USN [REDACTED]

10. If I can be of further assistance, please contact me at
[REDACTED] or p811@persnet.navy.mil.

[REDACTED]

By direction