



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

HD:hd
Docket No: 05889-01
19 April 2002

MR [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 18 April 2002. 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 opinions furnished by the Navy Personnel Command dated 19 November 2001 and 11 February 2002, copies of which are 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 advisory opinion dated 11 February 2002. They further noted that you could have forwarded to the promotion board a copy of your uncorrected fitness report for 26 May to 31 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

Enclosures



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

5049-01

1610
PERS-311
19 November 2001

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

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: LT [REDACTED] USNR [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests his fitness reports for the periods 26 May 1999 to 31 October 1999 and 1 November 1999 to 31 August 2000 be filed in his record

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

a. A review of the member's headquarters record revealed the reports in question to be on file. They are signed by the member acknowledging the contents of each and his right to submit a statement. The member did not desire to submit a statement.

b. The reports in question were placed in the member's digitized record on 5 March 2001.

3. The member's petition is being forwarded to PERS-86 for comments on the member's failure of selection and convening a special selection board.

[REDACTED]
Performance
Evaluation Branch



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

5449-01

5420

Ser P80/0072

11 FEB 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
[REDACTED] USNR [REDACTED]

Encl: (1) BCNR File 05889-01 w/Service Record

1. We are returning enclosure (1) with the following observations and the recommendation that [REDACTED] request to overturn his discharge and reinstate his commission in the Naval Reserve be disapproved.

2. [REDACTED] asserts that his fitness reports were erroneously left off of his Performance Summary Report (PSR) and consequently, not considered by the FY-01 Lieutenant Commander selection board. He is correct that neither fitness report was on the PSR at the time of the selection board. However, the first report (26 May 1999 - 31 October 1999) was invalid (listed 2 EP's vice the allowable 1 EP and 1 MP). This would have caused the fitness report to be rejected until corrected by the reporting senior. The second report was not included because the board met prior to the report end date (board convened 15 May 2000, the report ended 31 August 2000). As for his assertion that the board was unaware of his drilling status and assignment to a unit, a review of his record as seen by the board indicates that was not the case. It is our opinion that [REDACTED] was simply not competitive given the extended period of time he was in the Individual Ready Reserve (IRR).

3. We regret that we were not able to give a favorable response to [REDACTED] request. However, this should in no way detract from his years of honorable service to his nation and the United States Navy.

[REDACTED]