



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

■  
Docket No: 46-02  
2 May 2003

Dear ■

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 the original enlisted performance evaluation report for 16 March to 5 December 1996 be removed and replaced by a revised report for 16 March to 6 December 1996.

It is noted that the Navy Personnel Command (NPC) has changed the uncontested enlisted performance evaluation report for 7 December 1996 to 15 November 1997 to begin on 6 December 1996, rather than 7 December 1996.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 May 2003. 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 NPC dated 27 September 2002, 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. Accordingly, 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.



Enclosure



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

1610  
PERS-311  
27 September 2002

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

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



Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his performance evaluation for the period 16 March 1996 to 5 December 1996 and replace it with another report provided with the member's petition.

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. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement.

b. The report in question is a Promotion/Frocking/Regular report. The report on file in the permanent record has a reporting period of 16 March 1996 to 5 December 1996. The member alleges block-15 should be 6 December 1996 vice 5 December 1996.

c. The report in question appears to be procedurally correct. There are three members in the summary group with an ending date of 5 December 1996. The performance evaluation provided with the member's petition indicates 4 members in the summary group with an ending date of 6 December 1996. We have not received the additional evaluation to the summary group with an ending date of 6 December 1996.

d. The next report covers the period 7 December 1996 to 15 November 1997. The other members in the summary group start date is 6 December 1996 for their next report. We have administratively changed the report for the period 7 December 1996 to 15 November 1997 to read 6 December 1996 vice 7 December 1996.

e. The member does not prove the report to be in error.

3. We recommend the member's record remain unchanged except as indicated above.

