



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

LCC:ddj
Docket No: 1504-02
10 September 2002

[REDACTED]

[REDACTED]

[REDACTED]

[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 10 September 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 opinion furnished by NPC memorandum 5420 Pers 82B of 12 August 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.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



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

5420
PERS-82B
12 August 2002

MEMORANDUM FOR SPECIAL ASSISTANT FOR BCNR MATTERS (PERS-00ZCB)

Subj: FORMER [REDACTED] [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) BCNR MEMORANDUM 5420 PERS-00ZCB of 25 Jul 02

Encl: (1) ltr of Determination of Highest Grade Held dtd
29 Aug 2000
(2) Determination of Highest Grade Held ICO SH3 [REDACTED]

1. Per reference (a), a review of [REDACTED] Naval records were made. Enclosures (1) is the response to SP [REDACTED] for his request to be advance on the retired list to the highest grade held. Enclosure (2) is the routing package of [REDACTED] request.

2. As indicated in the response to SH3 [REDACTED] he was ineligible to be promoted to SH1 due to a reduction in rate from a General Court Martial to the paygrade of E-4. Recommend disapprove the members request to be promoted to SH1. There is no indication that a pretrial agreement "promised" him that he would reinstated to SH1 and in any event, that determination is not made prior to transfer to the fleet reserve and is determined solely on the reason for reduction in rate. In SH3 [REDACTED] case it was due to General Courts Martial.

3. I may be reached at (901) 874-3245 for any further inquiries into this matter.

[REDACTED]

By direction