



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

BJG  
Docket No: 2481-02  
22 May 2003

DC1 [REDACTED] USNR  
[REDACTED]

Dear Petty Officer [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 22 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 the Navy Personnel Command dated 2 December 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.

The Board was unable to find the reporting senior (RS) or senior rater disregarded input from your counselor. The Board found no requirement for the RS to provide comments explaining the drop in marks from the report that officer had submitted for the immediately preceding period. Finally, the Board was unable to find the RS omitted from the contested report any of your accomplishments that should have been mentioned.

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

1610  
PERS-311  
2 December 2002

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

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

Subj: DC1 (SW [REDACTED] US [REDACTED])

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests changes are made to his performance evaluation for the period 16 November 2000 to 15 November 2001.

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's statement and reporting senior's endorsement is reflected in the member's digitized record.

b. The report in question is a Periodic/Regular report. The member request his performance trait average be changed to 3.86 and his promotion recommendation be changed from "Promotable" to "Must Promote."

c. We cannot administratively make the requested changes to the member's performance trait marks or change the member's promotion recommendation. Only the reporting senior who signed the original report may submit supplementary material for file in the member's record. The member may request the reporting senior to submit a letter supplement or supplemental evaluation.

d. While the member may disagree with the reporting senior's evaluation, it all comes down to the requirement that the reporting senior must make a judgment and rank all members in the summary group. In this case there was eighteen members in the summary group and the reporting senior assigned the member a promotion recommendation of "promotable." Such a ranking does not indicate a failing on the member's part, but rather the reporting senior gave greater value to the contributions of other members in the summary group

e. The report in question is a valid report. Petty Officer [REDACTED] bases his request on his personal perception of his performance during the reporting period. The contents, performance trait marks, and promotion recommendation assigned on a report are at the discretion of the reporting senior. Nothing provided in the member's petition demonstrates that the reporting senior acted improperly, violated requirements, or that he abused his discretionary authority in evaluating the member's performance.

f. Counseling of a member takes many forms. Whether or not the member was given oral or written counseling or issued a Letter of Instruction (LOI) does not invalidate a performance evaluation.

g. We encourage reporting senior's to submit fitness reports and performance evaluation in a timely manner, however, late submission does not invalidate a report.

h. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.



Performance  
Evaluation Branch