



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

HD:hd  
Docket No: 04254-02  
4 October 2002

CAPT [REDACTED] USN  
[REDACTED]  
[REDACTED]

Dear Cap [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.

Your request to remove your fitness report for 31 July 2001 to 31 March 2002 was not considered, as it does not appear in your naval record. If it is filed at a later date and you still find it objectionable, you may ask that your case, as it regards this report, be reopened.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 October 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 10 July and 22 August 2002, copies of which are attached. The Board also considered your letter dated 24 September 2002.

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 10 July 2002.

The Board found the request for your detachment for cause (DFC) adequately supported the initiator's loss of confidence. They were unable to find the initiator had insufficient grounds to conclude your ship was not capable of accurate self-assessment, regardless of the charter of the Board of Inspection and Survey (INSURV) or the previous findings of the Afloat Training Groups. They were likewise unable to find you had inadequate time to prepare for the INSURV inspection. The message of 13 December 2001 at enclosure (1) to your letter of 3 September 2002 did not direct your relief for cause; it merely directed your relief before

your DFC was requested on 19 December 2001. The Board found nothing in Article 0702, U. S. Navy Regulations 1990 to support a conclusion that the superior of your immediate superior in command (ISIC) could not properly initiate the DFC. Concerning your contention that the initiator bypassed the chain of command, they noted that the DFC documentation included the endorsement of your ISIC on your response to the DFC request. They were unable to find it was possible for the initiator's ISIC, Commander in Chief, U. S. Atlantic Fleet, to interview you. Finally, if you are correct that your ISIC expressed no dissatisfaction with you before your relief, this would not invalidate the DFC.

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

1920  
Ser 834C/563  
10 Jul 02

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

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: BCNR ICQ [REDACTED] JOYCE

Ref: (a) BCNR memo 5420 Pers-00ZCB of 14 Jun 02  
(b) MILPERSMAN 1611-020

Encl: (1) BCNR Case File w/Service Record

1. Reference (a) requested comments and recommendations regarding CAPS [REDACTED] request for removal of his Detachment For Cause (DFC) from his permanent record. Enclosure (1) is returned as a matter under your purview.
2. The respondent claims that his DFC should be re-classified as an "Administrative Detachment" and that references to his DFC should be removed from his official record. He argues that this action is appropriate based on public comments made by the initiator after his DFC was approved. His argument has been found to have no merit.
3. His DFC was processed as outlined in reference (b) due to loss of confidence in his ability to command. Though the initiator later reflected that the underlying problem was a Navy leadership or "corporate Navy" issue, in no way does this indicate a restoration of confidence in the respondent's ability to command. Further, the basis for the DFC was not so much the overall condition of the ship, but rather a failing on the part of the respondent to recognize the condition and respond in an aggressive manner to correct the deficiencies within his capability. No amount or type of new information could supercede this condition. Finally, we have not received any notice from the former commander or the chain of command indicating that they have revised their opinion regarding this DFC.
4. PERS-834 Point of Contact is [REDACTED]

[REDACTED]  
Director, Personnel Performance,  
Security and Separations Division

4254-02



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

1610  
PERS-311  
22 August 2002

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

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

Subj: CAPT [REDACTED], USN

Ref: (a) NAVOP 043/95  
(b) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the period 31 July 2001 to 31 March 2002.

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

a. A review of the member headquarters record did not reveal the fitness report in question or the member's statement to be on file. PERS-311 received the report but was not suitable for filing. Per reference (a), a promotion recommendation of "Promotable", "Must Promote", or "Early Promote" may not be assigned with any performance trait graded 1.0. The copy received indicated the member desired to submit a statement. PERS-311 has received the member's statement. However, it was found not suitable for filing. Per reference (b), statements may be no more than two pages and have no enclosures. Statements must be temperate, confined to pertinent facts and may not include accusations or countercharges, and may not question or impugn the motives of the reporting senior or other individuals. Statements may not contain a request to modify, remove, replace, or investigate a report. Per reference (b), Annex S, paragraph S-8 the member has two years from the ending date of the report to submit a statement.

b. The fitness report in question is Detachment of Individual/Regular report.

c. The member requests the board characterize his detachment as "administrative" rather than "for Cause". On 22 February 2002 the Chief of Naval Personnel approved the member's Detachment for Cause (DFC) and the information in his official record accurately reflects his approved DFC. In regards to the member's fitness report, the reporting senior may comment or assign performance trait grades on performance of duty or events which led up to the request for DFC.

d. We have returned the fitness report to the reporting senior for correction and resubmission. We have also returned the member's statement to him for correction and resubmission. When the fitness report, member's statement and reporting senior's endorsement are returned, and found suitable for filing, they will be placed in the member's permanent record.

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



Evaluation Branch