



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

HD:hd
Docket No: 05223-02
22 April 2003

OS2 [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Petty [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.

It is noted that the Navy Personnel Command (NPC) has entered in your naval record both the reporting senior's letter of 26 February 2002, transmitting the revised enlisted performance evaluation report for 16 March 1999 to 15 March 2000, and the revised report.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 April 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 6 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 reporting senior's statement, some two years after the fact, that the contested original report was "too harsh" did not persuade the Board that the original report was either erroneous or unjust. 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
6 December 2002

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

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

Subj: OS2 (SW [REDACTED] US [REDACTED])

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 1999 to 15 March 2000 and replace it with a supplemental report for the same period.

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 with the member's statement and reporting senior's endorsement, the supplemental evaluation and cover letter.

b. The report in question is a Periodic/Regular report.

c. Although the supplemental report and cover letter was filed in the member's record the supplemental material was filed in error. There were three members in the summary group, therefore, per reference (a); all members in the summary group must be supplemented. We have removed the supplemental report and cover letter and returned it to the reporting senior for correction and resubmission.

d. Even if the supplemental report had been submitted per reference (a), we would not recommend the supplemental report replace the original report. We provide reporting seniors with the facility to add material to report already on file, not replace them. Once the supplemental material is accepted for file they provide a complete picture of the member's performance as first evaluated, and then after the reporting senior had the opportunity to reconsider.

e. When the supplemental report is returned we will have it filed in the member's digitized record and file the supplementary material for the other members in the summary group.

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



Performance
Evaluation Branch