



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

LCC:ecb
Docket No: 6557-02
5 August 2003

[REDACTED]

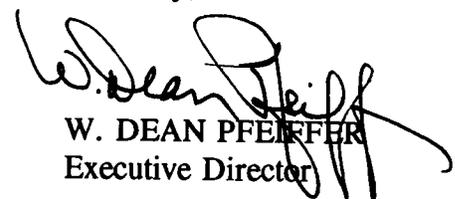
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 August 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 memorandum 5420 PERS-812 dated 3 February 2003, 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-812
3 Feb 03

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
[REDACTED]

Ref: (a) Assistant for BCNR Matters 5420 (PERS-00ZCB) Memo of
2 Dec 02
(b) Advancement Manual (BUPERSINST 1430.16D) of 10 Jul 1991

Encl: (1) BCNR File

1. Per reference (a), the following comments and recommendations are submitted concerning [REDACTED]'s case.

2. [REDACTED] participated in the March 1994 (Cycle 143) Navywide Advancement Examination for MS2. His final multiple score (FMS) from the examination cycle was 180.50. The FMS required for advancement to MS2 for that cycle was 181.58.

3. [REDACTED] was credited with 4 award points for Cycle 143. The Advancement in Rate Worksheet (1430/2) that was provided with the BCNR states that he was given 2 points for a Navy Good Conduct Medal and 2 points for a Navy Letter of Commendation. [REDACTED] states that he received a SECNAV LOC for that time period. Per reference (b), LOC's must be addressed personally to the individual from the President, SECDEF, Secretary of any U.S. military service, or military heads of any U.S. military service. Reference (b) also states that awards must be received or earned (ending date is prior to test date) before the regular scheduled date of the examination.

4. From the information that was provided to PERS-812, it appears from the 1430/2 Worksheet and the Advancement Summary from Cycle 143, that [REDACTED] was given credit for the LOC in question. Without having a copy of all the awards he was credited with for that cycle, we are unable to determine for certain that he is missing 2 award points or that the award falls under reference (b) guidelines.

5. In view of the above, we recommend [REDACTED]'s petition be returned with no action taken. More documentation is required for final determination.

[REDACTED]
By direction [REDACTED]