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

HD:hd  
Docket No. 11235-07  
29 July 2008

[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.

It is noted that the Navy Personnel Command (NPC) has removed from your Official Military Personnel File all documents referring or relating to the revocation of your security clearance.

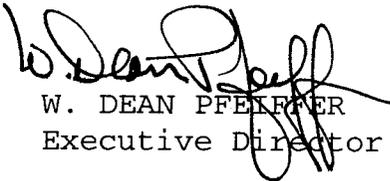
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 July 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 Director, Department of the Navy Central Adjudication Facility dated 4 February 2008 and the Navy Personnel Command dated 17 March, 15 April with enclosures and 28 April 2008, copies of which are attached. The Board also considered your counsel's letter dated 18 June 2008 with enclosures.

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

concluded with the advisory opinion dated 28 April 2008 in concluding your failures of selection by the Fiscal Year 05-08 Chief Petty Officer Selection Boards should stand, and you should not be afforded consideration by a special selection board. The e-mail you provided did not persuade the Board that the documentation removed from your record was seen by the selection boards. Further, the Board noted that your counsel acknowledges, at page 6 of his brief in support of your application, that the service record page 13 ("Administrative Remarks") entry regarding revocation of your security clearance was never executed, so it could not have affected your consideration for advancement. In view of the above your application for relief beyond that effected by NPC 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

Copy to:  
