



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

HD:hd
Docket No. 00266-08
30 June 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.

You requested that the enlisted performance evaluation report for 16 March 2006 to 7 January 2007 be modified by removing the first paragraph from block 43 ("Comments on Performance") and raising the marks in block 45 and 46 ("Promotion Recommendation") from "Significant Problems" (lowest of five possible marks) to "Early Promote" (highest), thereby reinstating your recommendation for advancement. You further requested that the report for 8 January to 15 March 2007 be modified by removing the last paragraph from block 43. Finally, you requested that the report for 16 March to 24 October 2007 be modified by removing the second paragraph from block 43.

It is noted that the report for 8 January to 15 March 2007 has been amended as you requested.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 June 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 opinion furnished by the Navy Personnel Command dated 15 February 2008 with enclosures, 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.

Specifically concerning the contested report for 16 March 2006 to 7 January 2007, the Board was unable to find the reporting senior had no basis for evaluating you as he did. The Board found your having been recommended for conversion to career counselor did not invalidate the report. Finally, the Board was unable to find the reporting senior inaccurately described the circumstances that led to the cancellation of your orders to fill a QM billet.

Regarding the report for 16 March to 24 October 2007, the Board did not find the "Promotable" (third best) promotion recommendation conflicting with the remainder the report, nor could the Board find the reporting senior's second recommendation for your conversion to career counselor invalidated the report. Finally, the Board was unable to find the reporting senior was biased against you.

In view of the above, your application for relief beyond that already effected 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