



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

HD:hd
Docket No. 02546-08
8 August 2008

[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, in effect, removal of documentation of the delay of your promotion and removal from the Fiscal Year (FY) 08 Line Captain Promotion List; reinstatement to the promotion list; promotion to captain, retroactively if the projected date has passed; and, by implication, removal of your failure of selection by the FY 09 Line Captain Selection Board.

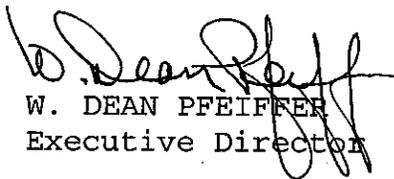
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 August 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 28 April 2008 with enclosures, a copy of which is attached. The Board also considered your counsel's letter dated 26 June 2008 with attachments.

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, duly noting that the command climate survey conducted during the week of 16 August 2004 concluded the overall command climate was

satisfactory, and further noting the evidence that your duty performance was outstanding and you were merely trying to mentor the junior officer who was serving on a Field Naval Aviator Evaluation Board. Finally, the Board observed that the undated Chief of Naval Operations Action Memo specifically advised the Secretary of the Navy that you had not been detached for cause. 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

Copy to:
