



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

*h*

HD:hd  
Docket No. 03760-08  
21 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 your failure of selection for promotion to lieutenant commander and promotion to lieutenant commander, U. S. Navy (Retired) or commander, U. S. Navy (Retired).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 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 20 May 2008, a copy of which is attached. The Board also considered your 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. 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-80  
20 May 2008

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-31C)

Subj: REQUEST FOR ADVISORY OPINION IN CASE OF LIEUTENANT  
[REDACTED]

Encl: (1) BCNR File 03760-08/w record

1. Enclosure (1) is returned.
2. After examination of [REDACTED] DD Form 149, no request has been put forth that is actionable by PERS-80. [REDACTED] does not request that his failures of selection be removed nor does he request a special promotion selection board be held on his behalf. [REDACTED] does make a comment in his DD Form 149 and letter to BCNR that he believes that he failed to select to the rank of LCDR due to serving for six years in billets not related to his LDO designator, serving at the pleasure of his Commanding Officer. Selection board deliberations are protected by TITLE 10 USC and may not be divulged to anyone not a board member or board recorder nor are they available due to the 35+ years that have elapsed since [REDACTED] selection boards were held. Therefore, there is no way to confirm [REDACTED]'s suspicion that his job assignments were the cause of his six failures of selection. The board conducts itself in accordance with law, service regulations and the precept issued by the Secretary of the Navy. LDO Selection Boards historically have been extremely competitive with there being more highly qualified Officers, such as [REDACTED] than available promotions.
3. This decision should in no way detract from his honorable service to this nation and the United States Navy. Recommend [REDACTED] record remains unchanged.

  
S. J. LEPP  
Director, Officer Career  
Progression Branch