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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. 05149-08  
20 February 2009

[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 removing from your record documentation of your removal from the Fiscal Year (FY) 05 and 08 Navy Reserve Line Lieutenant Commander Promotion Lists and promoting you to lieutenant commander or, if your request for promotion is not granted, removing the documentation and having your corrected record presented to two promotion boards. You also impliedly requested removing your failure of selection by the FY 09 Navy Reserve Line Lieutenant Commander Selection Board and setting aside your discharge from the Navy Reserve on 1 September 2008.

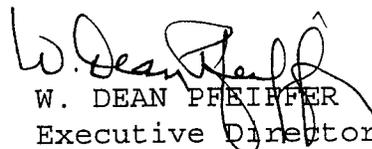
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 February 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 July 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. The Board noted that the wording of the summaries provided to the Secretary of the Navy did not match that of your punitive letters of reprimand. However, the Board concluded you still would have been removed from the promotion lists concerned, had the wording of the summaries exactly matched that of your reprimand. Further, the Board found the Secretary of the Navy took due account of the recommendations that you be promoted to lieutenant commander. 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