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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. 06447-08
30 January 2009

[REDACTED]

[REDACTED]

[REDACTED]

[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 fitness report for 25 February 2006 to 30 April 2007 be amended as follows:

- (1) Raise marks in blocks 34 ("Command or Organizational Climate/Equal Opportunity"), 36 ("Teamwork"), 37 ("Mission Accomplishment and Initiative") and 38 ("Leadership") to "4.0" (second best of five possible marks) or better.
- (2) Amend block 40 (recommended screening for next career milestone(s)) to show "COMMAND" in first space and "MAJOR COMMAND" in second.
- (3) Amend block 41 comments to "capture [your] performance for this grading period" and
- (4) Raise mark in block 42 ("Promotion Recommendation-Individual") from "Progressing" (second lowest of five possible marks) to "Early Promote" (best).

You further requested removing the Commander, Navy Personnel Command (PERS-42) letter Ser 421D/1676 dated 25 September 2007, Subject: Removal of Nuclear Technical Qualifications and the letter of instruction (LOI) dated 30 March 2007. Your request regarding the LOI was not considered, as it does not appear in

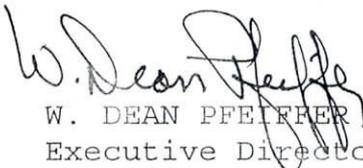
your naval record. Finally, you requested reinstating your nuclear technical code, your continuous submarine duty incentive pay and your nuclear officer incentive pay, all of which were terminated effective 20 June 2007.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 January 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 opinions furnished by the Navy Personnel Command dated 6 August and 2 October 2008, copies of which are attached. The Board also considered your letter dated 18 December 2008.

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 opinions. The Board was unable to find you had a right to submit a statement, as to whether your nuclear technical code should be removed, before its removal had been effected. 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

Enclosures