



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

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HD:hd
Docket No. 07347-08
8 January 2009

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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 the performance evaluation report for 16 June 2007 to 30 April 2008 and the service record page 13 ("Administrative Remarks") entry dated 14 June 2006. You also requested that the pending issue on the advancement to HM2 (pay grade E-5) you missed in September 2004 be corrected.

The Navy Personnel Command (NPC) has directed removal of the contested performance evaluation report from your field service record, and your Cycle 196 and 199 Navy-wide advancement examinations have been validated.

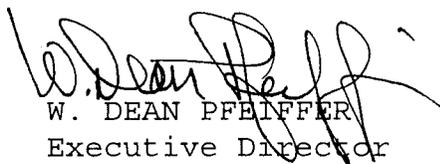
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 January 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 NPC dated 3 and 22 September 2008, 28 October 2008 with enclosure and 4 December 2008, copies of which are 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. The Board found the contested page 13 entry should stand, as you have offered no basis for removing it, and it does not relate to the nonjudicial punishment of 30 April 2008 that has been set aside. Accordingly, your application for relief beyond that which has been effected administratively 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