



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

HD:hd  
Docket No. 07725-08  
20 November 2008

[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, in effect, removing all field code 17 information, specifically, the Commander, Navy Personnel Command (CNPC) investigation of 1 March 2006, the CNPC letter 1920 Ser 4833/0485 of 19 September 2006, your letter of 27 October 2006 and the Memorandum for PERS-48 dated 3 November 2006.

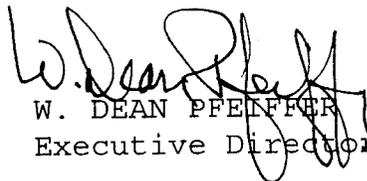
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 November 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 NPC dated 11 September 2008 with references (b), (c), (d) and (g), 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. The Board substantially concurred with the comments contained in the advisory opinion. Concerning your assertion of false information in the Memorandum for PERS-48, The Board considered it immaterial whether you or another officer posted the e-mail in question, as the investigation,

finding of fact 7, states "[redacted] and [you] were both responsible for physically bringing the e-mail into the selection board spaces." You may submit to NPC a statement, for inclusion in your record with the contested material, in rebuttal to the Memorandum for PERS-48; or you may ask NPC to redact the statement, in the Memorandum for PERS-48, that you consider erroneous, citing the applicable findings of the investigation. The Board noted that whether or not you were notified that the contested material would be filed in your record, you acknowledge having learned of its filing in April 2008. The Board was unable to find your ability to respond effectively to the Memorandum for PERS-48 has been impaired. Finally, regardless of whether you are correct that no adverse material was filed in the record of the other officer whose conduct was investigated, the Board was unable to find any error or injustice in the decision to file the contested material in your record. 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