



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

HD:hd  
Docket No. 08069-08  
26 March 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 that your Performance Summary Record (PSR) be corrected to show your promotion recommendation in the fitness report for 11 June to 31 October 2005 was "Promotable" (third best of five possible marks) rather than "Progressing" (fourth best), and that your officer of the deck (OOD) qualification be added to your record. You further requested reconsideration for retention in the Navy.

It is noted that the Navy Personnel Command (NPC) corrected the PSR as you requested, in August 2008.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 March 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 11 September 2008 with enclosures and 18 September 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 that your official record that was considered by your continuation board, which decided not to continue you after your second failure of selection for promotion, by the Fiscal Year 2009 Line Commander Selection Board (convened on 12 February 2008), included the fitness report for 11 June to 31 October 2005, which correctly reflected your promotion recommendation as "Promotable" and stated that you had earned OOD qualification. Therefore, the Board found no basis to afford you reconsideration for continuation or set aside your discharge affected on 1 December 2008. 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