



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

HD:hd  
Docket No. 11456-08  
7 May 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 documents pertaining to the incident of 18 January 2006, specifically, your punitive letter of reprimand dated 15 May 2006 awarded at your nonjudicial punishment (NJP) of 3 May 2006, other documentation of the NJP proceedings, your detachment for cause approved on 2 January 2007, your board of inquiry proceedings, your removal from the Fiscal Year 07/June 2006 Lieutenant Active Duty All Fully Qualified Officers List (ADAFQOL), and your fitness report for 1 March to 16 May 2006. You also impliedly requested correction of your record to show you have not failed of selection for promotion to lieutenant (you failed of selection by virtue of your removal from the FY 07/June 2006 ADAFQOL, then you failed for FY 08/December 2007 and you were discharged on 31 December 2008 by reason of your two failures of selection).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 May 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

5 February and 10 March 2009, copies of which are attached. The Board also considered your letter dated 25 April 2009 with enclosure.

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 evidence you provided indicating you tested negative for THC did not persuade the Board that you did not use a controlled substance. Since the Board found insufficient basis to remove any of the contested documentation, it had no grounds to remove either of your failures of selection to lieutenant. 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