



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

*aw*

HD:hd  
Docket No. 01225-08  
22 September 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.

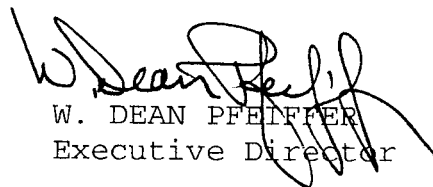
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 September 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 the Navy Personnel Command dated 21 May 2008, 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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, 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



**DEPARTMENT OF THE NAVY**  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1610  
PERS-311  
21 May 2008

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-31C)

Subj: ~~CONFIDENTIAL~~

Ref: (a) BUPERSINST 1610.10 (EVALMAN)

Encl: (1) BCNR File 01225-08 w/Service record

1. Enclosure (1) is returned. The member requests the removal or revision of his fitness evaluation report for the period 3 June 2003 to 22 August 2003. Additionally, the member requests his fitness evaluation report be replaced with an Operational Commander report for that period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. The report is signed by the member acknowledging the contents of the report and his right to submit a statement. The member indicated on the report that he did not intend to make a statement.

b. The report in question is a non-adverse, Detachment of Reporting Senior/Regular report. The member believes the fitness report should be removed as he was in a different operational command and he was provided with an operational commander report for that period. Additionally, if the fitness report is not removed and replaced he requests that the fitness report be changed to a Not-Observed report.

c. The report is a valid report. Only one regular report is authorized to document a reporting period.

d. Reference (a), Annex F, page F-1, subparagraph F-5 requires the Operational Commander Report to be forwarded to the member's regular reporting senior. The regular reporting senior cannot endorse it as a regular report but can comment in a subsequent regular report. Operational Commander Fitness reports provide a supplemental record of performance, as observed by their operational commander. Reference (a) does not stipulate how long a member or reporting senior has to be on board to submit graded authorized reports such as the Detachment of reporting Senior

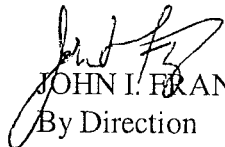
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report. Reference (a), Annex G, page G-1, subparagraph G-2, allows reporting senior's to submit graded report on member's if any fair and meaningful evaluation or recommendation can be made.

e. The reporting senior is charged with commenting on the performance or characteristics of each member under his/her command and determine what material will be included in a fitness report. The comments and performance trait marks assigned on a report are at the discretion of the reporting senior. The evaluation of a member's performance and making recommendations concerning suitability for appointment and assignments are the responsibility of the reporting senior.

f. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.

  
JOHN I. FRANTZ  
By Direction