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

HD:hd
Docket No. 00822-09
3 November 2009

[REDACTED]

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This is in reference to your application dated 10 December 2008, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your previous case, docket number 08265-01, was denied on 16 December 2002. You renewed your request to remove the fitness report for 1 September 1999 to 31 August 2000 and your failures of selection by the Fiscal year (FY) 01 through 03 Line Captain Selection Boards.

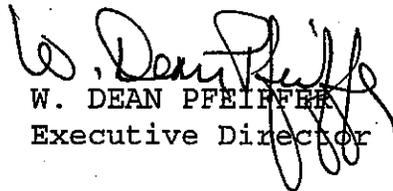
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 29 October 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your letter, together with all material submitted in support thereof, the Board's file on your prior case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Office of the Chief of Naval Operations dated 1 June 2009 and the Navy Personnel Command dated 17 June and 9 July 2009, copies of which are attached. The Board also considered your letter dated 6 October 2009.

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.

Since the Board still found no defect in your performance record, it still had no basis to strike any of your failures of selection by the FY 01 through 03 Line Captain Selection Boards. In view of the above, the Board again voted to deny relief. 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