



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

HD:hd
Docket No. 05829-09
16 March 2010

[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 you be reinstated to the Navy Nurse Corps Anesthesia Program (NNCAP); that your Semester 5 paper be regraded by an impartial third party and your overall Semester 5 grade be changed to reflect the newly graded paper; that all adverse documentation relating to this matter be removed from your record, to include the fitness report for 1 February to 27 September 2008; that your obligated service end in September 2013; and that the letters submitted to the Council on Certification of Nurse Anesthetists on 30 June and 26 August 2008 be rescinded.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 March 2010. 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 and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Director, NNCAP, Navy Medicine Manpower, Personnel Training and Education Command dated 11 December 2009 with enclosures, a copy of which is attached less enclosures. The Board also considered your counsel's letter dated 2 February 2010 with attachments.

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. The Board was unable to find you were innocent of the allegations on which your removal from the NNCAP was based. 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

Copy to:
