



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

HD:hd
Docket No. 06799-09
22 October 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, in effect, reinstatement to the Fiscal Year 09 Navy Reserve Line Captain Promotion List and promotion to captain with a date of rank and effective date of 1 April 2009. You also requested reevaluation of findings in the Navy Reserve Force Hotline Completion Report dated 2 April 2008 and revision or reaccomplishment of the report. Finally, you impliedly requested removal of documentation of the delay of your promotion and removal from the promotion list.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 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 application, together with all material submitted in support thereof, applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 24 August 2009 with enclosures, a copy of which is attached. The Board also considered your letter dated 21 September 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 opinion. The Board found it sufficient that you were afforded a chance to respond to the Hotline Completion Report of 2 April 2008 before you were removed from the promotion list. The Board concluded your response to the CNRMW RCC letter N00/248 of 18 June 2008, to which you assert you did not have a chance to respond before the decision to remove you, would not have changed the decision. Finally, the Board was unable to find the Hotline Completion Report was materially inaccurate or incomplete, such that its revision or reaccomplishment would be warranted. 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 BEEFFER
Executive Director

Enclosure