



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

HD:hd
Docket No. 08416-09
22 February 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 the enlisted performance evaluation report for 11 June to 15 November 2008 be modified by raising the marks in blocks 33 ("Professional Knowledge"), 34 ("Quality of Work"), 37 ("Personal Job Accomplishment/Initiative") and 38 ("Teamwork") from "3.0" (third best of five possible marks) to "5.0" (best), "5.0," "4.0" (second best) and "4.0," respectively. You also requested unspecified relief regarding the "special" enlisted performance evaluation report for 16 November 2007 to 10 June 2008.

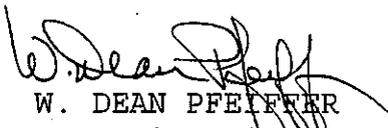
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 February 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 Navy Personnel Command dated 9 September 2009, a copy of which is attached. The Board also considered your letter dated 15 December 2009 with enclosures.

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

concluded with the comments contained in the advisory opinion. The Board did not find the contested marks to be inconsistent with the reporting senior's comments in the report for 11 June to 15 November 2008. Concerning the report for 16 November 2007 to 10 June 2008, the Board found it an immaterial error that the reporting senior signed two days before the end of the reporting period. 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