



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

HD:hd
Docket No. 08488-09
29 October 2009

Dear [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 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 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 September 2009, 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.

You contended that "They say [you] never replied but you can see that from [your] records [you] did reply and should be LT(JG) [lieutenant junior grade]." The advisory opinion, which recommends approving your request, says you met the requirements for promotion to lieutenant junior grade and that you accepted your appointment on 27 July 1956. Pertinent documents show your commission certificate, which was issued on 27 July 1956, was held by the Commandant, Twelfth Naval District pending your completion of professional requirements and that the certificate

was returned by letter of 2 September 1958 to the Chief of Naval Personnel (CNP) and cancelled, as you had neither completed the qualifications nor accepted before the termination date (you could not accept until after having completed all qualifications). A copy of the Commandant, Twelfth Naval District letter to CNP dated 2 September 1958, with enclosure (the commission certificate) is attached.

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



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

5420
PERS-80/1032
21 September 2009

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-31C)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
[REDACTED] XX [REDACTED]

Encl: (1) BCNR File 08488-09 w/Service record

1. Enclosure (1) is returned recommending approval of ENS [REDACTED] request to officially recognize his promotion to the grade of Lieutenant Junior Grade.
2. After a thorough review of enclosure (1), it is apparent that [REDACTED] met the requirements for promotion to Lieutenant Junior Grade. In reference (a), [REDACTED] was authorized by the Secretary of the Navy, the honorable [REDACTED] to be permanently appointed as a Lieutenant Junior Grade. [REDACTED] accepted his appointment on 27 July 1956, however, his appointment was not updated in his military record.
3. The effective date of rank to Lieutenant Junior Grade should be 27 July 1956 and his military records should be updated to reflect his promotion. Recommend PERS-311 correct service member's DD form 214.

B. R. MCMURRY
Asst. Director, Officer Career
Progression Branch

OCT 23 2009