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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. 10956-09
18 June 2010

[REDACTED]

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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 17 June 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, the Board's file on your prior case (docket number 10192-07) and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 17 November and 11 December 2009 and 11 January 2010, copies of which are 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.

Notwithstanding the recommendation, in the advisory opinion dated 11 December 2009, to remove the contested service record page 13 ("Administrative Remarks") entry dated 15 November 2004, the Board found this entry should stand. The Board noted the advisory opinion did not specify in what respect this entry was not completed in accordance with Bureau of Naval Personnel Instruction 1430.16F. Further, the Board found nothing in the decision in your previous

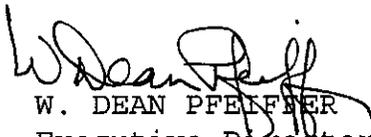
case, which directed your retroactive advancement to CTRC, that invalidated the page 13 entry.

The Board concurred with the advisory opinion dated 11 January 2010 in finding the contested performance evaluation report should stand as well. The Board did not agree with the recommendation to remove, from block 43, "Member's advancement recommendation for CPO [chief petty officer] is removed," as the Board found nothing in the previous decision that invalidated that comment.

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

Enclosures