



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

HD:hd
Docket No. 12430-09
25 June 2010

[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.

[REDACTED]

You requested removing an alleged domestic violence/spousal abuse incident; any records of offenses committed when you were under the age of 18; your failures of selection by the Fiscal Year (FY) 08 and 09 Reserve Line Lieutenant Commander Selection Boards; your removal from the FY 08 Active Line Lieutenant Commander Promotion List; any other derogatory information as a result of the failure to be promoted and alleged domestic violence incident including the statement regarding "a pattern of unlawful behavior"; retroactive promotion to lieutenant commander pursuant to your FY 08 selection or opportunity to be considered for promotion with no derogatory information; and reinstatement to the Navy Reserve, from which you were discharged on 1 February 2009.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 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 and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 28 January

2010 with enclosures, a copy of which is attached, and your letter dated 19 May 2010 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 concurred with the comments contained in the advisory opinion. The Board found nothing objectionable about the mention, in the Naval Criminal Investigative Service report, of offenses you committed when you were under the age of 18. 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