



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

HD:hd
Docket No. 06814-10
11 March 2011

[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 your naval record be corrected by removing all reference to your general court-martial (GCM). You also requested advancement to pay grade E-7 effective 1 January 2009, with all lost pay and allowances commensurate with such advancement.

It is noted that the Navy Personnel Command (NPC) has purged your record of all reference to your GCM. You may submit a claim to the Defense Finance and Accounting Service for back pay and allowances in light of the setting aside of your GCM, the sentence of which included reduction to pay grade E-1.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 March 2011. 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 opinions furnished by NPC dated 13 September 2010 with enclosure and 15 October 2010 with reference (c), copies of which are attached. The Board also considered your fax dated 31 January 2011 with attachment.

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 in concluding you should not be advanced to pay grade E-7. Accordingly, your application for relief beyond that affected by NPC 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

Copy to:
