



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

HD:hd
Docket No. 04025-10
6 August 2010

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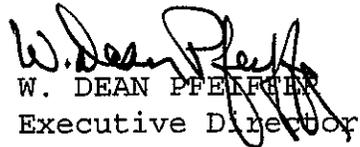
This is in reference to your counsel's letter dated March 23, 2010, requesting reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your previous case, docket number 07328-08, was denied on 2 October 2008.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 5 August 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 counsel's letter of March 23, 2010 and all material submitted in support thereof, including your counsel's letter of April 30, 2010; the Board's file on your prior case; and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 1 June 2010, a copy of which is attached. The Board also considered your counsel's letter dated July 6, 2010 with your declaration.

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. Since the Board found insufficient basis to remove the contested fitness report, it had no grounds to remove the fitness report extension of 3 June 2008 associated with it. In view of the above, the Board again voted to deny relief. 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

Copy to:
Mr. Tully Rinckey