



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

HD:hd
Docket No. 05367-10
18 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 the fitness report for 24 June to 31 October 2006 and your failure of selection by the Fiscal Year (FY) 11 Reserve Line Lieutenant Commander Selection Board be removed, and that you be afforded special selection board consideration for that promotion board.

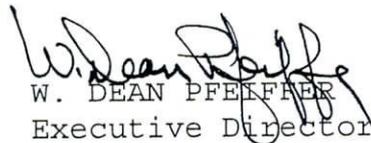
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 March 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 the Navy Personnel Command dated 24 June 2010 with e-mail dated 16 June 2010 and 27 and 29 September 2010, copies of which are attached. The Board also considered your letters dated 19 July 2010, undated (received on 25 October 2010), 27 February 2011 with enclosures and 15 February (sic) 2011.

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 opinions dated 24 June and 29 September 2010. The Board was unable to find the reporting senior cited an incident that occurred before the reporting period, as you assert,

but noted that in any event, the reporting senior is permitted to mention a matter that occurred before the reporting period for the purpose of showing a trend that extended into the period. Since the Board found no defect in your performance record, it had no grounds to remove your failure of selection by the FY 11 Reserve Line Lieutenant Commander Selection Board or grant you special selection board consideration for that promotion board. 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