



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

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HD:hd
Docket No. 08435-10
5 November 2010

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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. You requested that the performance evaluation report for 16 March to 11 December 2009 be removed or modified by deleting the comments from block 43 ("Comments on Performance") and either deleting the mark of "not recommended" in block 47 ("Retention") or changing the mark to "recommended." You further requested that you be immediately reenlisted with back pay.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 November 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 10 September 2010, a copy of which is attached. The Board also considered your counsel's undated letter with attachments.

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 noted that you were afforded a chance to make a statement to the evaluation in question but declined. The Board found the improvement in your marks from

the previous evaluation and your having been assigned a reenlistment code of RE-R1 (recommended for preferred reenlistment) did not invalidate the block 43 comments or the block 47 mark in the contested evaluation. Since the Board found no change to your performance record was warranted, it had no grounds to effect your reenlistment. 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

Copy to:
