



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

HD:hd
Docket No. 11845-10
11 August 2011

[REDACTED]

Dear Commander [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 removing the fitness report for 1 February to 9 June 2003. You also impliedly requested correcting your record to show a medical waiver from the May 2003 Body Composition Assessment, and removing your failures of selection by the Fiscal Year 10, 11 and 12 Line Commander Selection Boards.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 May 2011 and completed its deliberations on 11 August 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 14 December 2010 and 16 June 2011 and the Office of the Chief of Naval Operations e-mail dated 17 December 2010, copies of which are attached.

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 dated 16 June 2011 in concluding the contested fitness report should stand and the physical readiness data for May 2003 should not be amended. Since the Board found no defect in your fitness report record or your physical readiness data, it had no grounds to remove any of your failures of selection to

commander. 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