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

HD:hd
Docket No. 01524-11
2 September 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 that your flight status be changed from B(1) (termination of flight status with right to wear insignia) to A(4) (probationary flight status) and that the fitness report for 1 May to 28 July 2010 be removed. Your request to change your flight status was not considered, as it is the policy of the Board for Correction of Naval Records not to entertain such requests. However, the Board did consider making findings regarding your flight status.

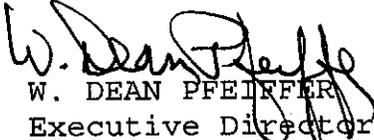
A three-member panel of the Board, sitting in executive session, considered your application on 1 September 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered 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 letter from the Commander, Naval Air Force Pacific (COMNAVAIRFORPAC) dated 13 April 2011 and the Navy Personnel Command advisory opinions dated 28 April and 2 June 2011, copies of which are attached. The Board also considered your counsel's letters dated 28 July and 11 August 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

COMNAVAIRFORPAC letter and the advisory opinions. The Board recognized that the Field Naval Aviator Evaluation Board (FNAEB) recommended A(4) status, and it further recognized that the second endorsement on the FNAEB report concurred with that recommendation. The Board was unable to find the first endorsement, recommending B(1) status, was untruthful. The Board found it unobjectionable that this endorsement was based in part on Military Flight Operational Quality Assurance (MFOQA) data that was not available to the endorser at the time of the incident that gave rise to the FNAEB. Finally, the Board found it unobjectionable that you did not have an opportunity to respond to that endorsement before the final decision on your flight status was reached. 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

Copy to:
