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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. 04046-11
4 August 2011

[REDACTED]

Dear [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 November 2008 to 23 November 2009 and changing the date of removal of your Nuclear Additional Qualification Designator from 6 February 2009 to October 2010.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 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 (NPC) dated 29 April and 13 May 2011, copies of which are attached. The Board also considered your letter dated 27 June 2011 with enclosures.

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, except to note that NPC may return the contested fitness report to the reporting senior for your signature and an opportunity to make a statement, as recommended in paragraph 3 of the advisory opinion dated 29 April 2011, without direction by the Board; and that the Board does have authority to recommend changing the date of removal of your designator. The Board

found it was a harmless error that the contested fitness report was filed without affording you a chance to make a statement. In this regard, the Board found the points you made in your application would not have persuaded the reporting senior to withdraw or amend the report. The Board was unable to find the report failed to mention achievements of such significance that they should have been expressly noted, nor could the Board find the reporting senior did not take full account of your achievements, including those while you were on temporary additional duty. The Board was likewise unable to find the report was based on an invalid letter of instruction. Finally, you did not establish that Submarine Squadron Sixteen was not the regular reporting senior's higher headquarters, so the Board was unable to find that command could have submitted a concurrent fitness report. 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