



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

HD:hd
Docket No. 04260-11
2 February 2012

[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, in effect, setting aside of your nonjudicial punishment (NJP) of 14 October 2009; and removal of correspondence concerning delay of your promotion to lieutenant junior grade, detachment for cause, and show cause hearing (administrative separation proceedings), as well as your fitness reports for 1 June 2009 through 15 July 2010. Finally, you requested promotion to lieutenant junior grade with a date of rank and effective date of 1 February 2010. By your e-mail dated 21 July 2011, you withdrew your request to set aside your NJP.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 February 2012. 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 23 May 2011 with enclosure, 30 August and 15 September 2011, copies of which are attached. The Board also considered your letter dated 6 July 2011 with enclosures and your e-mail dated 21 July 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. The Board found the error in the contested fitness report for 1 June 2009 to 31 January 2010 was in your favor, so it was not a basis for corrective action. 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