



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

HD:hd  
Docket No. 04768-11  
7 October 2011

[REDACTED]

[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 that your record be corrected to suspend the time you lost in TNPQ (temporarily not physically qualified) status and remove your failures of selection, while you were in that status, by the Fiscal Year 11 and 12 Reserve Line Captain Selection Boards.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 October 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 25 May and 9 June 2011, copies of which are attached. The Board also considered your counsel's letter dated 15 August 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. The Board found the time you were in TNPQ status is properly to be counted toward your total commissioned service, and it

further found that your record before the promotion boards properly reflected your performance. In this regard, the Board recognized that your medical condition, leukemia, impaired your ability to receive fitness reports and career enhancing duties; however, it did not consider it unjust that you were considered for promotion on the basis of only those accomplishments which were documented in your record. 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:  
