



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

HD

Docket No: NR2990-14
12 February 2015

JD



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.

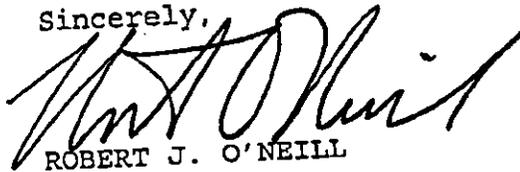
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 February 2015. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 25 July, 19 August and 10 October 2014, copies of which are attached. The Board also considered your counsel's letter dated 13 January 2015.

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 advisory opinion dated 10 October 2014, and disagreed with the advisory opinion dated 25 July 2014, which recommended removing the contested matter of interest documentation. In this regard, the Board particularly noted that because no supplemental fitness report has been submitted since submission of the original fitness report for the period concerned, 1 May to 23 September 2010, removing the matter of interest documentation would result in a record that does not document the matter at all. The Board noted that you may ask NPC to address your concerns regarding the sequence of the documents at issue and duplication of documents. Since the Board found

insufficient basis to remove the documentation at issue, it had no grounds to remove either of your failures of selection by the Fiscal Year 14 and 15 Line Captain Selection Boards. 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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,



ROBERT J. O'NEILL
Executive Director

Enclosure

Copy to:

