



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

Jan

HD
Docket No: NR5583-14
12 December 2014

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 December 2014. 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 opinion furnished by the Navy Personnel Command dated 14 October 2014, a copy of which is attached. The Board also considered your letter dated 21 November 2014 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. The Board was unable to find the errors on your fitness reports for 1 November 2007 to 31 October 2008 and 1 November 2008 to 31 May 2009 and the associated errors on your Performance Summary Report concerning the reporting senior's "Cumulative Average" and the number of lieutenant commander fitness reports he had written were a factor in your failures of selection by the Fiscal Year 12 and 13 Staff Commander Selection Boards. In this regard, the Board particularly noted that the reporting senior's letter-supplement dated 8 February 2013 for the report for 1 November 2007 to 31 October 2008, submitted after the promotion boards by which you failed of selection, reflected that your mark in block 42 ("Promotion

Recommendation - Individual") should have been "Must Promote" (second best of five possible marks), rather than "Early Promote" (best); and that block 43 ("Promotion Recommendation - Summary") should have shown you ranked below one other officer, rather than alone. 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