



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

HD

Docket No: NR8208-14

9 April 2015

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[REDACTED]

Dear [REDACTED]

This is in reference to your application dated 3 July 2014 for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

You again requested removal of the fitness report for 3 June to 2 September 2011. In your previous case, docket number 1076-12, this request was denied on 26 April 2012. In your current case, you also requested removal of the letter-supplement dated 5 June 2014 to the contested fitness report; removal of the Action Memo signed by the Secretary of the Navy on 17 May 2012 with related documentation; and reinstatement to active duty in the grade of lieutenant commander, the grade for which you were selected by the Fiscal Year 12 Active Duty Lieutenant Commander Staff (Chaplain Corps) Selection Board.

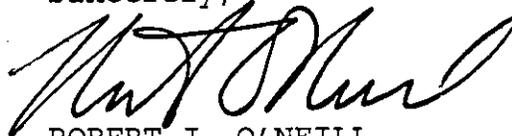
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 April 2015. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, the Board's file on your previous case, and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 22 December 2014 and 14 January 2015 with enclosure, copies of which are attached, and your letter dated 20 February 2015 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 advisory

opinions. The letter-supplement did not persuade the Board that the fitness report at issue was not marked accurately and fairly. In this regard, the Board particularly noted that the reporting senior did not state the adverse information in block 41 ("Comments on Performance") was untrue. 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,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure