



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

BJG
Docket No: 87-98
27 May 1999

RM [REDACTED] USN
[REDACTED]

Dear Petty Officer [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.

Your request to file in your record the concurrent enlisted performance evaluation report for 7 August to 15 November 1997 and amend it to show it is a "concurrent/regular" report could not be considered, since you did not provide a copy of this report.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 May 1999. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 15 April 1999, a copy of which is attached.

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 opinion in finding that your contested regular report should not be removed. Accordingly, your application for such relief 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

Enclosure

87-98



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
NPC-311
15 APR 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: RM1 [REDACTED] USN, [REDACTED]

Ref: BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of his "Periodic Regular" report for the period of 22 July 1997 to 15 November 1997, replacing it with a "Concurrent" report for the period of 7 August 1997 to [REDACTED]

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record revealed the report in question to be on file. The member signed the report indicating his desire to submit a statement. Per reference (a), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement if desired. A statement has not been received by NPC-311 from the member.

b. The member alleges that during the entire reporting period he was assigned TAD from his parent command. The member states that he signed a "Concurrent" report from his TAD command on 14 November 1997, which he received a promotion recommendation of "Early Promote"; however, on 2 December 1997 he received a "Periodic Regular" report from his regular reporting senior, which he received a promotion recommendation of "Progressing".

c. The member states that he was assigned TAD for the entire reporting period; therefore, his regular reporting senior did not observe his professional performance. Reference (a), Annex E, paragraph E-1, states that a "Concurrent" report provides a record of significant performance which was not directly observable by the regular reporting senior. Reference (a), Annex E, paragraph E-6, states that the reporting senior may sign and forward any properly submitted "Concurrent" report, or may instead return it to the originator and take its contents into

Subj: RM1 [REDACTED], USN, [REDACTED]

account in the next regular report. The reporting senior comments in block 43 of the report in question, that the evaluation being submitted is based on the input from the member's TAD command.

③ d. Based on our review, we feel the reporting senior assigned the member a promotion recommendation of "Progressing" due to the member's promotion recommendation being withdrawn on 21 July 1998. The member was awarded Non-Judicial Punishment (NJP) on ^{21 March 1998} ~~21 July 1998~~, which was 8 1/2 months prior to the ending date of the report in question. ③

e. The promotion recommendation reflected in Block 45 represents the reporting senior's appraisal of the member's readiness for the duties of the next higher paygrade. It is made at the discretion of the reporting senior and is not require to be consistent with other recommendation or routinely open to challenge.

f. The member does not prove the report to be unjust or in error.

3. We recommend retention of the report as written.

[REDACTED SIGNATURE]

Head, Performance
Evaluation Branch