



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

HD:hd
Docket No: 02224-99
10 February 2000

LT [REDACTED] USNR RET
[REDACTED]

Dear Lieutenant [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 for correction of your Officer Summary Record was not considered as it is not a part of your official naval record and, as explained in the attached advisory opinion from the Navy Personnel Command (NPC) dated 16 July 1999, it is already correct.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 February 2000. 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 previously mentioned NPC advisory opinion dated 16 July 1999 as well as their advisory opinion dated 1 September 1999, a copy of which is also attached. The Board further considered your letters dated 10 October and 21 November 1999.

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 dated 1 September 1999 in finding your failures to lieutenant commander should stand. Since they found insufficient basis to remove your failures of selection for promotion, they had no grounds to grant you consideration by a special selection board or set aside your transfer to the Retired Reserve on 1 May 1999. 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



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

1610
PERS-311
16 July 1999

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

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

Subj: LT [REDACTED], USNR, [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual
(b) Manual of Navy Officer Manpower and Personnel Classification VOL I (NAVPERS 158391)

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to have his Officer Summary Record updated because he believes five fitness reports are missing, numerous training courses, and medals.

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

a. A review of the member's headquarters record revealed the fitness reports in question to be on file. They are signed by the member acknowledging the contents of each and his right to submit a statement. The member did not desire to make a statement.

b. We have reviewed the member's petition. All of the fitness reports are properly filed. The first fitness report for the period 1 November 1993 to 30 September 1994 was placed in the member's record on 18 May 1995. The fitness report for the period 1 October 1994 to 31 October 1995 was placed in the member's record on 5 January 1996. The fitness report for the period 1 November 1995 to 31 October 1996 was placed in the member's record on 15 July 1997. The fitness report for the period 1 November 1996 to 14 March 1997 was placed in the member's record on 6 August 1997. The fitness report for the period 15 March 1997 to 14 March 1998 was placed in the member's record on 11 December 1998. All recommendations for promotions are properly reflected on the member's Officer Summary Record.

c. The Officer Summary Record is a working document designed to be a screening aid for members of the selection board when they are reviewing the member's official microfiche record. If fitness reports are missing from a member's file, it is normal procedure to request paper copies of each one and present them to the selection board.

d. The awards the member refers to in his petition are not required to be placed on the Officer Summary Record. Only personal decorations are authorized.

e. The courses the member refers to in his petition are not required to be placed on the Officer Summary Record. Further review of the member's record revealed the courses for Seaman, Military Requirements for Petty Officer Third and Second Class and Security Manager course are properly reflected in the member's digitized record. The remaining courses are being placed in the member's digitized record.

f. Reference (b) lists all NOBC's and the requirements and procedures for requesting each NOBC.

3. The member's petition is being forwarded to the Director, Reserve Officer Promotions, Appointments and Enlisted Advancement Division for comments on the member's failure to select.



Head, Performance
Evaluation Branch



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

5420
PERS-86
1 Sep 99

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

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF LIEUTENANT [REDACTED] [REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File 02224-99 w/Service record

1. We are returning enclosure (1) with the following observations and the recommendation that [REDACTED]'s petition be denied.
2. LT [REDACTED] requests the removal of the failures of select by the selection boards which considered him, and a special selection board on the basis that he was not notified of his eligibility for consideration, and on the basis that his record was missing various fitness reports and other material.
3. LT [REDACTED] a Special Duty Officer (Intelligence), who had been drilling with the Selective Service System since July of 1992, was properly considered by the FY-97, FY-98, and FY-99 Naval Reserve Lieutenant Commander Line promotion selection boards. He was not selected for promotion by any of the boards.
4. Notification of the convening of the selection boards was made via the established naval message system. Notices convening each of the selection boards were promulgated in accordance with Title 10 USC and established instructions. These notices were available at all naval commands and reserve centers. A review of the record and the advisory opinion provided by PERS-311 reveals that his record was essentially complete when considered by each of the selection boards. The fitness reports in question were in the record when each subsequent board reviewed the record. During the FY-98 and FY-99 boards, only the most recent fitness reports were not available each time. It is our opinion, that these fitness reports would not have significantly improved [REDACTED]'s promotion potential even if they had been available to each selection board.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LIEUTENANT [REDACTED], USNR, [REDACTED]

5. [REDACTED] did not communicate with the selection boards, as is his right to do so. Some of the other material that he claims should have been in his record is not normally made a part of the permanent record.

6. Specific reasons for [REDACTED]'s failure to promote are not available since proceedings of selection boards are sensitive in nature and records of deliberations are not kept. It is our opinion that [REDACTED] record, when viewed in its entirety, simply was not competitive enough, when considered within the numerical constraints placed on the boards.

7. Lieutenant [REDACTED] service to his country is laudable and he can be justifiably proud of his contributions; the negative response to this request does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]

Director, Naval Reserve Officer
Promotion, Appointments and
Enlisted Advancements Division