



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

HD:hd
Docket No: 00047-00
28 August 2001

en

MR [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 23 August 2001. 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 17 April 2001, 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. They particularly noted that you signed the fitness report in question, and they were unable to find the contested narrative was not included in the report when you signed it. 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

Enclosure



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

00047-00

1611
PERS-311
17 April 2001

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

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

Subj: EX-LIEUTENANT [REDACTED], USN [REDACTED]

Ref: (a) NAVMILPERSCOMINST 1611.1 Report on the fitness of officers

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests we change block-88 on his fitness report for the period 1 February 1989 to 30 June 1989.

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

a. The member's service record is no longer held by Navy Personnel Command (NPC). We base our opinion on the micro-fiche provided with the member's petition.

b. The report in question is a Detachment of Officer/Regular report. The member alleges the comments in block-88 are in error and should not be on his micro fiche.

c. We cannot administratively make the requested changes on a fitness report. Only the reporting senior who signed the original report may submit supplementary material for file in the member's record.

d. The determination of entries to be made in the comment section of a fitness report rests with the reporting senior. The reporting senior may comment or assign grades based on performance of duty or events that occurred during the reporting period.

e. The fitness report has been in the member's record for over eleven years. The member signed the report on 9 June 1989 and was placed in the member's record on 11 July 1989. Block-78 indicated weaknesses were discussed with the member. If the member believed there were errors or the fitness report was unjust he could have submitted a statement for inclusion in his record.

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

3. We recommend the member's record remain unchanged.



Head, Performance
Evaluation Branch