



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

LCC:ddj
Docket No: 4838-01
21 August 2001

[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 21 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 BUPERS memorandum 5420 PERS 85 of 8 August 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. Accordingly, 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

5420
PERS-85
8 Aug 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

[REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of LT [REDACTED] request.

2. [REDACTED] was not on the Active Duty List (ADL) for the first FY-01 Active Duty Lieutenant Judge Advocate General Selection Promotion Board held on 15 May 00. He came on active duty on 7 Aug 00 and was seen before the second FY-01 board held on 22 Feb 01. This board was approved on 27 April 01, consequently, LT [REDACTED] was placed on the June NAVADMIN with a date of rank and effective date of rank of 1 May 01.

3. Recommend [REDACTED] date of rank remain 1 May 01.

[REDACTED]

BCNR Liaison, Officer Promotions
and Enlisted Advancements Division