



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

HD:hd  
Docket No: 05081-00  
29 June 2001

LCDR [REDACTED] USN  
[REDACTED]  
[REDACTED]

Dear Commande [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 June 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 opinions furnished by the Chief of Naval Operations (Aviation Officer Community Manager) and the Navy Personnel Command dated 5 September 2000 and 22 March 2001, copies of which are attached. The Board also considered your memorandum dated 24 May 2001.

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 statistical data you provided did not convince them that the Fiscal Year 01 Line Commander Selection Board violated its precept. 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

05 September 2000

From: Officer Personnel Plans and Policy Branch, Aviation Officer  
Community Manager (N131V)

To: Board for Correction of Naval Records Coordinator  
(PERS-00ZCB)

Subj: REQUEST FOR ADMINISTRATIVE OPINION ICO LCDR [REDACTED]  
[REDACTED] USN, [REDACTED] (BCNR CASE [REDACTED])

Ref: (a) BCNR PACKAGE ICO LCDR [REDACTED] -  
CASE NUMBER [REDACTED]

1. This administrative opinion provided at the request of BCNR Coordinator. Per reference (a), DD Form 149 blocks 8 and 9, [REDACTED] requests his record be reviewed in comparison to those selected above zone by the FY-01 Commander Selection Board due to, what he feels, is a disproportionately large number of above zone selects from the HSL community.

2. Precept guidance for the FY-01 Commander Selection Board contains no direction for board members to favor any aircraft sub-community over another. In fact, it provides specific direction to the contrary by stating, "promotion opportunity percentage for the Unrestricted Line is applicable to the Unrestricted Line competitive category as a whole; it has no specific applicability to individual communities, designators, or subspecialties within the Unrestricted Line."

3. Based on this precept guidance, [REDACTED]'s allegation deals with specific selection board deliberations, which are confidential and cannot be addressed by this office. As with all officers being considered for promotion, this office assumes [REDACTED]'s entire record was thoroughly evaluated by the selection board and served as the basis for it's decision.

[REDACTED]  
LCDR USN



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

5420  
Pers 85  
22 Mar 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] USN, [REDACTED]

Ref: (a) N131V Memo of 5 Sep 00  
(b) SECNAVINST 1401.1B

Encl: (1) BCNR File

1. Enclosure (1) is returned, concurring with ref (a) and recommending disapproval of [REDACTED]'s BCNR request.
2. [REDACTED]'s request does not meet the criteria set forth by ref (b), the governing instruction for Special Promotion Selection Boards. The member offers no proof that the FY-01 Active Duty Commander Line Promotion Selection Board acted contrary to law, that material error of fact or material administrative error occurred or that material information was not considered by the promotion selection board.
3. The precept guidance for the FY-01 Active Duty Commander Line Promotion Selection Board specifically directs the board to select officers that are best and fully qualified to meet the needs of the Navy. Further, it directs this standard shall be applied uniformly to all eligible officers whether below, in or above the promotion zone.
4. As stated in ref (a), [REDACTED]'s allegation concerns specific selection board deliberations. These deliberations are confidential and may not to be addressed unless approval is granted by the Secretary of the Navy or higher authority. The member's record before the FY-01 Active Duty Commander Line Promotion Selection Board was considered completed and presented a substantially accurate and fair portrayal of his naval career. Recommend disapproval of [REDACTED]'s special promotion selection board request.



BCNR Liaison, Officer Promotions  
And Enlisted Advancements Division