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

HD:hd
Docket No: 05512-00
17 August 2001

LCE [REDACTED] MC USN
[REDACTED]
[REDACTED]

Dear Command [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.

You requested immediate promotion to commander and impliedly requested removing your failures of selection by the Fiscal Year 01 and 02 Staff Commander Selection Boards. Your request for promotion to commander was not considered, as you have not been selected to that grade by a duly constituted officer promotion selection board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 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 October 2000, 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 your failures of selection for promotion should stand. They were unable to find that your wife's allegations against you were a factor in your not having been selected for a residency position. 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
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-85
17 Oct 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: [REDACTED], MC, USN [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of LCDR [REDACTED] request for immediate promotion to the rank of Commander.

2. [REDACTED] request is without merit. His record was reviewed before the FY-01 Active Staff Commander Medical Corps Promotion Selection Board as an in-zone officer and he was not selected. The board had the official record on which to base their decisions. The record provided a substantially accurate, complete, and fair portrayal of his career and sufficient information to make promotion decisions. Since board deliberations are secret, the exact reason he failed to select cannot be determined.

3. Recommend disapproval of his request.

[REDACTED]

BCNR Liaison, Officer Promotions and
Enlisted Advancements Division