



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

BJG
Docket No: 7430-00
28 March 2001

NC1 [REDACTED] USN
[REDACTED]
[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. You requested authorization to wear naval aircrewman (NAC) wings and hold the NAC designator.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 March 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 8 January 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

08 JAN 01

MEMORANDUM FOR PERS-00ZCB

Subj: REVIEW [REDACTED]

Encl: (1) BCNR File [REDACTED] Service record

1. After a review of all available data, it is evident that not all information relevant to the case of [REDACTED] contained in enclosure (1) [REDACTED] service record does not contain all evaluations since the disputed action took place while he was an Airman. The information in the forwarded file does however provide some insight to the revocation [REDACTED] Aircrew status.

2. In January of 1989, the member was an AWAN attached to VS-41 and he was recommended for advancement to AW3. The member's page-9, contained in enclosure (1), reflects a NJP that occurred in April of 1989 and in March of 1990 the member's rate was changed to Airman while still attached to VS-41. In June of 1990, the member detached VS-41 as an Airman and checked aboard USS Forrestal (CV-59) where he struck for the ABH rating. Enclosure (1) contains a copy of the November 11, 1991 flight physical. It was this physical which found the member, "physically qualified but not aeronautically adaptable for duty involving flying as Air Crew." The same physical also states member "Voluntarily terminated himself from duty involving flying as Air Crew dtd 1 Mar 90. NAVPERS 1070/613 enclosed. BUPERSMAN Art. 1410240, BUPERSINST 1326.4. Hx of interpersonal and advancement difficulties."

[REDACTED]'s record is missing an evaluation for the period 89FEB01 - 90JAN31; it was during this time period the NJP occurred. Enclosure (1) contains an evaluation dated 89FEB01 - 89JUN18, however the dates on the years have been written over in pen ink to reflect the year 1990. Finally, enclosure (1) does not contain a copy of the page 13 referred to in the flight physical. The flight physical refers to the page 13 as a record of the member's non-volunteer action that would have resulted in a revocation.

4. From the limited documentation provided it appears quite evident [REDACTED] non-volunteered from the Aircrew program as an AWAN. He signed his page 13, which would have resulted in an Aircrew revocation and at a later date was found physically qualified but not aeronautically adaptable.

[REDACTED]

Branch Head, Aviation Enlisted Assignments