



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

HD:hd
Docket No: 08557-01
18 June 2002

LCD [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, in effect, that your original fitness report for 1 February to 13 December 1996 be removed and replaced by the supplemental report for the same period dated 14 November 2001.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 June 2002. 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 (NPC) dated 25 March 2002, 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 were unable to find that the reporting senior misinterpreted the guidance pertaining to the fitness report system. They particularly noted that the revision you requested would require moving one of your two peers down, from "Must Promote" to "Promotable," in block 42 ("Promotion Recommendation"); and that NPC has not received any letter-supplements from the reporting senior changing the rankings of your peers in accordance with the supplemental report. Annex P, paragraph P-4 of enclosure (2) to Bureau of Naval Personnel Instruction 1610.10, concerning supplementary material for members in pay grades E-5 and above, states "If supplementary material changes the member's Promotion Recommendation Summary Group, supplements must be submitted in the same package for all other members affected [emphasis added]." In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished on request.

Although the Board did not vote to insert any of the reporting senior's supplementary material in your naval record, they noted you could submit it to future selection boards.

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



8557-01

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

1610
PERS-311
25 March 2002

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

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

Subj: LC [REDACTED] LCN [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to have his original fitness report for the period 1 February 1996 to 13 December 1996 removed from his record and replace it with a supplemental report or letter supplement for the same period.

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

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement. PERS-311 has not received the supplemental report [REDACTED] the letter supplements for the other member's in the summary group. The member provided a copy of the supplemental report with his petition.

b. The report in question is a Detachment of Individual/Regular report. The member alleges the report does not accurately reflect his professional performance.

c. We provide reporting seniors with the facility to add material to fitness reports already on file, not replace them. Substitution of the revised report for the original report should only be accomplished when the member demonstrates that retention of the original report would constitute an error or injustice. Even though the reporting senior recommended substitution of the report, we do not feel it is appropriate.

d. The member was selected for promotion and positions of increasing responsibility with the report in his record. The fact that the member perceives the fitness report to be career damaging is not sufficient reason to remove the report.

e. The fitness report has been in the member's record for five years. If the member believed the report was in error or unjust, timely submission of correction was in order.

- f. The member does not prove the report to be unjust or in error.
- 3. We recommend the member's record remain unchanged.



Performance
Evaluation Branch