



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

HD:hd
Docket No: 02196-00
15 February 2001

MR [REDACTED]
[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 February 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 23 May 2000, and the memorandum for the record dated 14 February 2001, copies of which are 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. The Board noted that you were free to provide the documents of concern to you by means of communicating with the Fiscal Year 99 and 00 Naval Reserve Line Lieutenant Commander Selection Boards. Since the Board found insufficient basis to remove your failures of selection for promotion, they had no grounds to set aside your discharge from the Naval Reserve on 1 April 2000. 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

2196-00



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

5730
PERS-911
23 May 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO FORMER
LT [REDACTED] USNR [REDACTED]

Ref: (a) BCNR memo 5420 PERS-OOZCB of 01 May 00
(b) Title 10, U.S. Code, Section 12465
(c) Title 10, U.S. Code, Section 14505

Encl: (1) BCNR File No. 02196-00

1. Per reference (a), enclosure (1) is returned with the recommendation that former LT [REDACTED] petition be denied. Former LT [REDACTED] is requesting retention in the Naval Reserve past his mandatory separation date.

2. A review of former [REDACTED]'s record reveals that he was commissioned a Naval Reserve officer, was assigned to the Ready Reserve, and was placed on the Reserve Active Status List (RASL) in June 1989. Reference (b) requires that promotion selection boards consider all eligible members of the Ready Reserve. The zones for promotion boards are published via ALNAV message, as are the results of the boards. Former [REDACTED] was correctly considered by the FY-99 and FY-00 promotion boards and failed of selection on each occasion.

3. Per reference (c), a lieutenant who has at least twice failed of selection for promotion and has completed the eight-year military service obligation must transfer to the Retired Reserve, if eligible and requested, or be discharged. Because former LT [REDACTED] did not earn any years of qualifying service, he is not eligible for transfer to the Retired Reserve. Regretfully, we were required by law to discharge him from the Naval Reserve on 1 April 2000.

4. We find no error or injustice in this case. We can not address the issue of whether or not all documents were placed

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L [REDACTED] USNR, [REDACTED]

before the promotion boards that considered former [REDACTED]
and recommend this issue be sent to PERS-86 for comment.

[REDACTED]

Captain, U.S. Naval Reserve
Director, Naval Reserve Personnel
Administration Division

14 February 2001

MEMO FOR RECORD

Re: Case of [REDACTED], USNR, [REDACTED]

[REDACTED] NPC, PERS-86 (Naval Reserve officer promotions), says their records show [REDACTED] not communicate with either the FY 99 or the FY 00 Naval Reserve Line LCDR Sel Bd.

Jonathan S. Ruskin

JONATHAN S. RUSKIN
Head, Performance Section