



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

HD:hd  
Docket No: 09593-02  
12 May 2003

MMC [REDACTED] USN  
[REDACTED]  
[REDACTED]

Dear Chief Pett [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 8 May 2003. 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 26 March 2003, a copy of which is attached. The Board also considered your letter dated 29 April 2003 with enclosures.

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 view of your nonjudicial punishment of 17 March 1997 and your not having been selected by the special selection board for the Fiscal Year (FY) 02 Chief Petty Officer Selection Board, the Board was unable to find that you would have been selected, had you been considered by any of the selection boards for FY 98 through 01. 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**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1430  
Ser 811A1/181  
26 Mar 03

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

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF  
[REDACTED]

Ref: (a) BUPERSINST 1430.16E

Encl: (1) BCNR file #09593-02

1. Based on policy and guidelines established in reference (a), enclosure (1) is returned recommending disapproval.
2. Chief Petty Officer [REDACTED] has requested his advancement to Chief Petty Officer be backdated to 16 September 1997, due to a delay in correcting an error of his time in rate from a previous submitted BCNR request.
3. Chief Petty Officer [REDACTED] record was reviewed by a Special Selection Board for FY-02 in which he was a non select for Chief Petty Officer, then he was selected for Chief Petty Officer during the regular FY-03 Chief Petty Officer Selection Board. Due to Chief Petty Officer [REDACTED] being given a Special Selection Board and being a non-select for advancement, there is no authority to warrant backdating his advancement to Chief Petty Officer. Unfortunately, an approval recommendation cannot be rendered regarding this petition.

[REDACTED]

By direction