



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

HD:hd  
Docket No: 04130-02  
27 January 2003

CDR [REDACTED] USNR  
[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 January 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 17 October 2002, a copy of which is attached. The Board also considered your letter dated 26 November 2002.

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. Since your inactive duty training (IDT) orders were suspended, rather than terminated, when you were ordered to active duty for special work from 8 September 1998 to 5 March 1999, the Board found that the contested fitness report properly began on 1 October 1998, the day after the previous IDT report, for 1 October 1997 to 30 September 1998. They were unable to find you should have received a "not observed" report for the period in question. Finally, as the report at issue is not adverse, they did not consider its late referral to you to be grounds for removing it. 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

1610  
PERS-311  
17 October 2002

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

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

Subj: CDR [REDACTED], USNR, [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the period 1 October 1998 to 10 April 1999.

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. The member did not sign the report; however, block-46 is annotated with "Member's signature not available".

b. The report in question is a Detachment of Individual/Regular report. The member claims he was never given the opportunity to review or comment on the fitness report.

c. Due to administrative error in processing the fitness report was accepted and filed. The report should have returned to the reporting senior for correction.

d. The fitness report has been in the member's record for three years, therefore, we will not remove it. We are in the process of returning a copy of the report to the member for his signature. Although the report is over two years old, if the member desires he may submit a statement to be filed with the fitness report. The statement must be submitted per reference (a), Annex S, to PERS (311) via the reporting senior who submitted the original report for his endorsement.

3. We recommend the member's record remain unchanged.



Performance  
Evaluation Branch