



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

HD:hd  
Docket No: 09369-02  
13 May 2003

*Handwritten mark*

[REDACTED] SNR  
[REDACTED]  
[REDACTED]

Dear Lieutenant [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.

Your request for restoration of your lineal number on selection to lieutenant commander was not considered, as you have not been selected for promotion to that grade.

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 5 April 2003, 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 warranting correction of your fitness report record. Assuming that the undated and unsigned letter, ostensibly from your reporting senior, was genuine, the Board was unable to find he was not justified in submitting the contested special fitness report for 1 November 1997 to 30 March 1998. As the letter-supplement dated 18 April 2002 indicates, the fact you consumed alcohol before a mental health evaluation, in connection with volunteering to enter an alcohol treatment program, showed poor judgment. Since the Board found insufficient basis to remove the special report at issue, it found nothing objectionable about the reference to that report in the contested report for 31 March to 30 September 1998. As the Board found no defect in your performance record, it had no grounds to remove your failures of selection by the Fiscal Year 02 and 03 Naval Reserve Line Lieutenant Commander Selection Boards. 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  
5 April 2003

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

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

Subj: LT [REDACTED] USN [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 November 1997 to 30 March 1998 and 31 March 1998 to 30 September 1998.

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

a. A review of the member's headquarters record revealed the reports in question to be on file. Each report is signed by the member acknowledging the contents of each and his right to submit a statement. The member did not indicate whether he did or did not desire to submit a statement for the report ending 30 March 1998. The member indicated he did not desire to submit a statement for the report ending 30 September 1998.

b. The report ending 30 March 1998 is a Special/Regular report and the report ending 30 September 1998 is a Detachment of Reporting Senior/Regular report.

c. A fitness report is unique to the period being evaluated. The reporting senior is charged with commenting on the performance or characteristics of each member under his/her command and determines what material will be included in a fitness report. The contents and grades assigned on a fitness report are at the discretion of the reporting senior. The report represents the judgment and appraisal authority of the reporting senior.

d. The member provided a Fitness Report Letter-Supplement with his petition for the report ending 30 March 1998. The letter supplement provided with the members petition is not acceptable for filing. The letter is not signed by the reporting senior, and not submitted within two years after the ending date of the report. Refer to reference (a), Annex P, paragraph P-4.c. for late submission of supplementary material.

e. Failure of selection is not sufficient reason to remove a fitness report.

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