



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

HD:hd  
Docket No: 07093-00  
6 April 2001

LCDR [REDACTED] IC USN

3 [REDACTED]

Dear Commander [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 5 April 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 opinions furnished by the Navy Personnel Command dated 1 December 2000 and 24 January 2001, copies of which are attached. The Board also considered your letter dated 8 March 2001 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 this connection, the Board substantially concurred with the advisory opinion dated 1 December 2000. They were unable to find your fitness report for 1 October 1997 to 31 October 1998 would have been more favorable, had you received mid-term counseling. For this reason, they had no grounds to grant you a special selection board or remove your failures by the Fiscal Year 00 and 01 Staff 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

Enclosures



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

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Pers 85  
1 Dec 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED], CHC, USN [REDACTED]

Ref: (a) SECNAVINST 1420.1A

Encl: (1) BCNR File 07093-00 of 12 Oct 00

1. Enclosure (1) is returned, recommending disapproval of [REDACTED] request for a special board.
2. [REDACTED] was asked BCNR to recommend a special promotion board on the grounds that his fitness report for the period of 97 Oct 1 to 98 Oct 31 is in error because his mid-term counseling was not completed and documented. The absence of mid-term counseling documentation on his fitness report did not disadvantage [REDACTED] and was not material information essential to a complete and fair portrayal of his career. Board records indicate that [REDACTED] record before the FY-00 and FY-01 Active Commander Chaplain Corps Promotion Selection Boards was considered complete and ready for the board's review.
4. Recommend disapproval of [REDACTED]'s request. PERS-311 should be consulted if additional information regarding fitness report documentation is needed.

[REDACTED]

BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division



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

1610  
PERS-311  
24 January 2001

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

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

Subj: LCD [REDACTED], USN [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests correction to his fitness report for the period 1 October 1997 to 31 October 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 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.

b. The fitness report in question is a Periodic/Regular report. The report covers a period of thirteen months and block-30 indicated counseling was not required.

c. Reference (a), Annex D, paragraph D-4 states; "**Omission of Periodic Report.** If the member received an Observed Regular report ending no more than 3 months prior to the Periodic report date, the periodic report may be omitted. If omitted, include the period in the next Regular report." The reporting senior could have prepared a NOB report for the period 1 October 1997 to 31 October 1997. In this case, the reporting senior chose to cover the thirteen-month period in the member's next periodic report.

d. Whether the member was counseled or not, does not invalidate a fitness report. Per reference (a), Annex C, when a member is presented the fitness/evaluation report for signature, that is also considered a form of counseling.

e. The member does not prove the report to be unjust or in error.

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



Head, Performance  
Evaluation Branch