



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No. NR05131-13
22 September 2014

[REDACTED]

This is in reference to your application for correction to your naval record pursuant to the provisions of 10 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 18 September 2014. 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. The Board also considered the advisory opinion furnished by Navy Personnel Command Office of Legal Counsel (PERS-00J) of 21 February 2014, a copy of which was provided to your counsel and is being provided to you now. Additionally, the Board considered your counsel's response to the advisory opinion dated 25 August 2014.

However, 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 making this determination, the Board concurred with the comments contained in the advisory opinion.¹ Accordingly, 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. In this regard, it is also important to keep in mind that a presumption of regularity attaches to all official records.

¹ The Board did note the error in the advisory opinion which refers to paragraph 11(b) of enclosure (6) to reference (b), which is the Secretary of the Navy Instruction (SECNAVINST) 1920.6C. The correct enclosure was (8) vice (6), "Board of Inquiry Procedures", dated 15 December 2005. However, the change in enclosure number did not alter the facts in the advisory opinion for the Retirement Grade Determination.

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,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. ONEILL
Executive Director

Enclosure