



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

HD

Docket No: NR804-13

24 October 2013

Dear [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.

You requested that all reference to Hotline Complaint H00L76413129(20010503) be removed from your permanent record; that official documentation disproving the findings of the Hotline Complaint be filed in your permanent record; and that at the earliest opportunity, your updated permanent record be placed before a selection board for promotion to pay grade O-7.

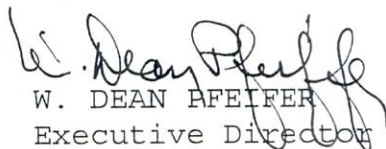
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 2013. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions from the Office of the Judge Advocate General (Administrative Law) dated 3 June 2013 and the Navy Personnel Command dated 29 and 30 July 2013, copies of which are attached. The Board also considered your e-mail dated 30 September 2013 with attachment.

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 opinions dated 3 June and 29 July 2013.

The Board noted that the quotations, in the attachment to your e-mail of 30 September 2013, from enclosure (5) to your application (the legal review of the Military Whistleblower Reprisal Investigation) appear in paragraph 3.a, which pertains to the November/December 1999 communication to NCWG2 personnel regarding potential problems with the EZ PASS account and missing supplies; and the Board further noted that this same paragraph also states that you "readily admit knowledge of other protected communications." 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 PFEIFER
Executive Director

Enclosure