



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

SMC
Docket No: 04903-98
12 August 1999

STS2 D [REDACTED] JR USN
[REDACTED]
[REDACTED]

Dear Petty O [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 12 August 1999. 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 3 December 1998 and 12 January 1999, copies of which are 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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion dated 3 December 1998. Since the Board found no defect in the contested evaluation, they had no basis to correct your record to show you were advanced to STS1 from the September 1997 advancement cycle. 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.

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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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1610
NPC-311
3 DEC 98

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

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: STS2 [REDACTED], JR., [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests his promotion recommendation for the period 1 April 1995 to 15 March 1996 be changed from "Promotable" to "Early Promote".

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

a. A review of the member's headquarters record did not reveal the report in question to be on file; however, the member provides a copy of the report with his petition. The report is in the process of being digitized and placed in the member's headquarters record. The report is signed by the member indicating its contents and his desire not to submit a statement. Per reference (a), the member has two years from the ending date of the report to submit a statement if desired. A statement was not received by Pers-322 from the member.

b. Further review of the member's headquarters record revealed a missing report for the period 16 March 1996 to 27 November 1996. The member does not provide a copy of the missing report with his petition.

c. The member alleges that the reporting senior for the period in question was an Army Officer who was unfamiliar with the Navy's new evaluation system, especially the promotion recommendation. The member states that he has participated in the Navy-wide advancement examination 8 times and has missed the minimum multiple required by 2-3 points each time.

d. The marks, comments and recommendations are at the discretion of the reporting senior. They are not routinely opened to challenge.

Subj: STS [REDACTED] JR., U [REDACTED]

e. The report represents the judgment and appraisal responsibility of the reporting senior for a specific period of time. It is not required to be consistent with previous or subsequent reports.

f. We feel that failure to advance or enhancement of promotion opportunity does not justify upgrading or removal of an evaluation report.

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

3. We recommend retention of the report for the period of 1 April 1995 to 15 March 1996. Also, we recommend a copy of the missing report for the period 16 March 1996 to 27 November 1996 be submitted to NPC-311 for inclusion in the member's headquarters record.

4. If the member's petition is approved by BCNR, the member requests to be retroactively advanced to the paygrade of E76. We recommend that the member's petition be forwarded to the Director, Active Officer Promotions, Appointments and Enlisted Advancements (NPC-85) for comment.

[REDACTED]

Head, Performance
Evaluation Branch

