



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 05214-98

24 June 1999

[REDACTED]

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 June 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 12 and 16 April 1999, copies of which are attached. The Board also considered your letter dated 26 May 1999 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 comments contained in the advisory opinions. They found your chances for promotion would not have been appreciably enhanced, had your fitness report for 20 January to 30 September 1990 reflected an "A" in block 57 (desirability for command), as shown in the reporting senior's letter of 1 December 1998, rather than "B", as in the original. 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
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO
5420
NPC-911
12 Apr 99

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

Via: Assistant for BCNR Matters (NPC-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO LCDR [REDACTED]
[REDACTED]

Ref: (a) BCNR memo 5420 NPC-OOZCB of 31 Mar 99
(b) Title 10, U.S. Code, Chapter 1407

Encl: (1) BCNR File No. 05214-98

1. Per reference (a), enclosure (1) is returned with the recommendation that [REDACTED] petition be denied. LCDR [REDACTED] is requesting that his two failures of selection be removed and he be allowed the opportunity to earn a reserve retirement.
2. [REDACTED] was commissioned a Naval Reserve officer in September 1978. He participated sporadically in the Naval Reserve Program, earning only 10 years of qualifying service toward a Naval Reserve retirement during his 20 year career. He was considered by the FY-95 Commander Line Selection Board (which met 18 April 1994) and by the FY-96 Commander Line Selection Board (which met 17 April 1995) and he failed of selection on both occasions. [REDACTED] currently in Standby Reserve-Inactive (USNR-S2) status, having been transferred to that status effective 1 September 1995 for failure to participate at a minimum level (27 points per anniversary year). As a member of Standby Reserve-Inactive (USNR-S2) status, [REDACTED] is ineligible to participate in the Naval Reserve Program.
3. [REDACTED] has shown no evidence that an error or injustice has occurred which would warrant the removal of his failures of selection. It is ultimately the individual officer's responsibility to be aware of his status and the requirements of the Naval Reserve Program and to plan his career accordingly. Until 1 September 1995, [REDACTED] was a member of the Ready Reserve, and as such, was eligible to be considered by promotion

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO [REDACTED]
[REDACTED]

selection boards. He was correctly considered by the FY-95 and FY-96 Commander Line Selection Boards and failed of selection on both occasions.

4. Per reference (b), lieutenant commanders in an active status who have at least twice failed of selection and have attained 20 years of actual commissioned service must be retired or separated from the Naval Reserve. Because LCDR [REDACTED] lacks the required 20 years of qualifying service for retirement, we will be placing his name before an upcoming Naval Reserve Officer Mobilization Disposition Board recommending his honorable discharge from the Naval Reserve.

5. My point of contact is [REDACTED] NPC-911 [REDACTED].

[REDACTED]

Director, Naval Reserve Personnel
Administration Division

5214-98



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

APR 16 1999

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

Via: Assistant for BCNR Matters (NPC-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF [REDACTED] USNR,
[REDACTED]

Ref: (a) BCNR memo 5420 NPC-OOZCB of 15 Apr 99
(b) BCNR memo 5420 NPC-911 of 12 Apr 99
(c) United States Code, Title 10

Encl: (1) BCNR File 05214-98

1. Per reference (a) we are returning enclosure (1) with the following observations and recommendation that Lieutenant Commander [REDACTED] petition be denied. In addition, NPC-86 concurs thoroughly with the comments forwarded in reference (b), which remain germane to our discussion here.

2. Lieutenant Commander [REDACTED] was properly considered during the FY95 and FY96 Commander line selection boards and failed of selection in both instances. A complete review of Lieutenant Commander [REDACTED] record reveals that there were no administrative or material errors that would warrant a removal of either failure of selection per reference (c).

3. The misinformation alleged by Lieutenant Commander [REDACTED] is outside the purview of NPC-86. Nevertheless, it is impossible to say with any certainty what precisely the board considered detrimental to his promotion potential. Specific reasons for Lieutenant Commander [REDACTED] failure of selection from the FY95 and FY96 selection boards are not available since selection board proceedings are confidential in nature and records of deliberation are not kept. It is our opinion that Lieutenant Commander [REDACTED] record was properly considered by the FY95 and FY96 selection boards in accordance with reference (c) and was simply not competitive enough when viewed within the numerical constraints placed on the boards.

4. Lieutenant Commander [REDACTED] can be justifiably proud of his record and contributions; the negative response to his petition does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]

Director, Reserve Officer Promotions,
Appointments, and Enlisted
Advancement Division