



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 4583-99

5 October 1999

[REDACTED]

[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 October 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.

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. You scored 195.75 on the February 1999 Exam and .50 is subtracted for additional time in service and time in rate giving you a total of 195.25 to be applied against the August 1998 Exam. A Final Multiple of 197.92 was required in the August 1998 Exam to be advanced. 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 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



DEPARTMENT OF THE NAVY
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5420
PERS-862
SEP - 7 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
[REDACTED]

Ref: (a) Assistant for BCNR Matters 5420 (PERS-00ZCB) Memo of
30 Aug 99

Encl: (1) BCNR File #04583-99 w/Microfiche

1. Per reference (a), the following comments and recommendations are submitted concerning [REDACTED]
2. [REDACTED] petition is without merit. Where he was on 17 September 1998 is irrelevant to his claim. Reserve examinations for advancement in rate are administered during the month of August. There is no evidence to support the claim he was denied the opportunity to participate in the August 1998 (Cycle 063) examination. BCNR action to change his effective date of rate based on available information provided would be inappropriate.
3. In view of the above, we recommend [REDACTED] petition be denied.


G. S. MCGRATH
By direction