



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

LCC:ddj
Docket No: 2489-01
7 August 2001

[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 7 August 2001. 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 opinion furnished by BUPERS memorandum 5420 PERS 862 of 9 June 2001, a copy of which is 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. 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

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5420

PERS-862

9 Jun 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
GMC [REDACTED] BAR (RE) 17, USS [REDACTED]

Ref: (a) Your memo 5420 Pers-00ZCB of 3 May 01

Encl: (1) BCNR File 2489-01 w/Service Record

1. Per reference (a) we have reviewed enclosure (1) and the following comments and recommendations are provided:

a. Petty Officer [REDACTED] petition is unclear regarding the actual correction he desires made to his record. He asks for a rank correction to Gunner's Mate Second Class. However, he is currently in the Retired Reserve (with pay) holding the rank of Gunner's Mate Guns First Class.

b. We speculate, based on the evidence provided that he desires to have the rank at which he was released from active duty changed from Gunner's Mate Third Class to Gunner's Mate Second Class. The certificate of completion attached to his petition is dated 9 December 1950. The certificate, on it's own, is not justification to indicate Petty Officer [REDACTED] was ever advanced to Gunner's Mate Second Class while on active duty. In fact, there is an entry in his official record dated 15 December 1950 which recognizes his completion of all requirements for advancement and recommends him for participation in the advancement examination to be held 16 January 1951. However, there is no indication he participated in that examination nor is there any documentation he was advanced to Gunner's Mate Second Class.

2. In view of the above, we believe Petty Officer [REDACTED] record to be correct and recommend no changes.

[REDACTED]
By direction

(_) OPTIONS (_) EXIT (_) HELP MLS IV

SCREEN NO.: GLGL2HM DATE: 01/06/09
PROGRAM : GLGL2HP CURRENT DUTY STATION TIME: 13:13:47

SSN: [REDACTED] NAME: [REDACTED]

DUTY STATION : 9105N DUTY STATION INFORMATION
ACC CATEGORY : ADDRESS:
DATE REPORTED : 900901 COMMANDER
DATE DEPARTED :
PROS DATE DEPART : USNR RET RC05
PROJ ROTATION DTE: [REDACTED]
70149-0001
PSD: PHONE: PARENT UIC:

PLEASE ENTER A MEMBERS SSN OR USE A PF KEY TO INDICATE ACTION.

MAIN MENU OPTION SELECTION ==> (_)

PF1=HELP PF3=EXIT PF10=OPTIONS PF12=CANCEL

