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

BJG
Docket No: 507-99
9 July 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 8 July 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, the portions of your naval record which you provided and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 10 May 1999, a copy of which is attached. They also considered your rebuttal letter dated 10 June 1999.

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.

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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

Enclosure

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DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
10 MAY 99

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

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

MR3

Subj: [redacted] US[redacted]

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification of his performance reports for the periods ending 16 May 1962 and 16 November 1962.

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

a. A review of the member's record revealed the member was an E-4 at the time of the report. Since E-4 and below reports are not filed in the headquarters record, our comments are based on information provided with the member's petition. The member does not include with his petition the reports in question; however, the member provides a copy of an Enlisted Performance Record, NAVPERS 601, which list the trait marks for the reports in question.

b. The member alleges that he was not properly informed about the disqualifying trait marks of "2.8" in "Professional Performance" and "Military Appearance" which resulted in him not being awarded the Good Conduct Medal (GCM). The member also alleges that he was not aware of these trait marks until 1994.

c. The member provides with his petition copies of subsequent reports he received throughout the remainder of his naval career, which demonstrates improved performance. However, the reports in question represent the appraisal responsibility of the reporting superior for a specific period of time and are not required to be consistent with previous or subsequent reports.

d. The marks, comments, and recommendations contained in both reports are at the discretion of the reporting superior, and are not routinely open to challenge.

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Subj: E[redacted]L, USN, [redacted]

e. The member does not prove the reports to be unjust or in error.

3. We recommend retention of the reports in question as written.

[redacted]
Head, Performance
Evaluation Branch