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

SMC
Docket No: 03100-99
16 December 1999

AC1 AW[redacted] USN
[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 16 December 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 opinion furnished by the Navy Personnel Command dated 29 September 1999, 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. 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

3100-99

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

3100-99

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

1610
PERS-311
29 SEP 99

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

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

Subj: AC[redacted] US[redacted]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of his performance report for the period 16 November 1996 to 15 November 1997.

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

a. A review of the member's digitized record revealed the report in question to be on file. The member signed the report indicating his desire to submit a statement. Per reference (a), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement if desired. PERS-311 has not received a statement from the member.

b. The member states that during the reporting period in question he was assigned to another department for eight months. The member further states that the department he was temporarily assigned to submitted an evaluation on his performance; however, none of the input was implemented into his evaluation. Use of input from the member, immediate supervisors and chain of command is encouraged, but is at the discretion of the reporting senior. In what manner the report is developed, it represents the judgment and appraisal responsibility of the reporting senior.

c. The member feels that the reporting senior does not justify the lowering of block 33 of the report in question. Reference (a) does not require a reporting senior to justify the lowering of a trait mark previously assigned by a different reporting senior. The marks, comments and recommendations assigned represent the reporting senior's evaluation of the member's performance for a specific period of time. The trait mark assigned in block 33 is not considered declining since the

(3) AD

Subj: AC1[redacted]

reporting senior, [redacted] has not previously reported on the member's performance.

d. The member also feels that his collateral duty in block 29 of the report in question should read, "Command Financial Specialist" vice "Division Financial Specialist". The member feels that the title of Division Financial Specialist reflects a demotion from the previous year, which listed him as the Command Financial Specialist. Based on the information provided, we are unable to determine what the member's correct title should read. We recommend that the member contact the original reporting senior. If the original reporting senior determines that the title of Division Financial Specialist is incorrect, we recommend the original reporting senior submit a letter-supplement per reference (a), Annex P, paragraph P-4.

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

4. We recommend retention of the report in question.

[redacted]
Head, Performance
Evaluation Branch