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

HD:hd
Docket No: 06668-99
26 January 2001

CD[redacted] USNR RET
[redacted]

Dear Commande[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 25 January 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 the Navy Personnel Command dated 8 February 2000, 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.

0668-99

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

6668-99

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

1611
PERS-311
8 February 2000

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

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

Subj: CDR [redacted], US[redacted]

Ref: (a) BUPERSINST 1611.17 FITREP Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his original fitness report for the period 15 December 1992 to 20 August 1993 and the reporting senior's supplemental fitness report cover letter dated 13 March 1995.

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

a. A review of the member's headquarters record revealed the original fitness report, the supplemental fitness report and cover letter to be on file. The reports are signed by the member acknowledging the contents of the reports and his right to submit a statement. The member did not desire to submit a statement.

b. The supplemental fitness report for the period 15 December 1992 to 20 August 1993 was filed in error. The original fitness report indicates nine officers in the summary group (block-52). There is a "7" in the ranking for early promotion (block-66). The supplemental fitness report changes block-52 to "1" and changes block 65 and 66 to "1". When a change is made to the relative ranking, corresponding changes must be made to the fitness reports of the other officers who were competitively ranked in the original report.

c. Reference (a), the instruction in effect at the time the report was written states: "a comparison group consist of all officers in the same competitive category, pay grade, and promotion status, and who receive the same type of report from the same reporting senior on the same report ending date". Although Comma[redacted]equest for separation from active duty was approved, at that time there was no authority to break out members from comparison groups. He was still eligible to participate in selection boards for promotion.

d. Although the supplemental fitness report was filed in error and submitted in a timely manner we will not removed it from his record. It has been in Command[redacted]ecord for a number of years.

e. Enhancement of chances for promotion is not sufficient reason to remove a fitness report. Commander [redacted] selected for promotion and positions of increasing responsibility and authority with the fitness reports at issue in his record.

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

3. We recommend the member's record re[redacted]ed.

[redacted]

Head, Performance
Evaluation Branch