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

HD:hd
Docket No: 00528-99
30 June 2000

LCDR [redacted] USN
[redacted]

Dear Command[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 29 June 2000. 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 20 May 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. 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

528-99

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

1610
PERS-311
20 May 1999

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

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

Subj: LCDR[redacted]SN[redacted]

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member request the removal of his fitness report for the period 15 March 1997 to 20 October 1997 and replace it with a supplement report for the same period.

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

a. A review of the member's headquarters record revealed both reports in question to be on file. The original and supplemental reports were 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 report changes block 29, primary/collateral/watchstanding duties, changes block-33 from 4.0 to 5.0, and rewrites block-41, comments on performance. The member's promotion recommendation is the same on both reports.

c. We provide reporting seniors with the facility to add material to fitness reports already on file, not replace them. Substitution of the original report for the revised report should only be accomplished when the member demonstrates that retention of the original report would constitute an error or injustice. Nothing provided in the petition or in the forwarding letter for the revised report explains why or how the revision more accurately reflects the petitioner's performance or that the original report was unjust or in error.

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

3. We recommend both the original and supplement report remain the member's record.

[redacted]

Head, Performance
Evaluation Branch