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

LCC:ddj
Docket No: 6737-99
4 April 2000

[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 4 April 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 BUPERS memorandum 1430 SER 85/244 of 3 March 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. 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**

1430
Ser 85/244
3 Mar 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF [redacted]

Ref: (a) BUPERSINST 1430.16D

Encl: (1) BCNR file #06737-99

1. Based on policy and guidelines established in reference (a), enclosure (1) is returned recommending disapproval.

2. [redacted] did participate in the Navy Wide Advancement Examination, cycle 163, of March 1999. Petty Officer [redacted] scored extremely high on this examination. Naval Education and Training Professional Development and Technology Center, upon grading of the examination forwarded correspondence to Commander, Navy Personnel Command (PERS-852), to hold the test score in the case of [redacted] This hold was predicated by [redacted] and another YN2 at the same command, participating in the same examination. The two [redacted] taking the same examinations had 114 identical responses, 91 identical correct responses and 23 identical wrong responses. The probability of this happening is 1 in 3,200 cases.

3. [redacted] command, Naval Recruiting District Nashville, conducted an informal jag investigation. The results of this investigation did not find any culpability with either member. However, based on the statistics it would appear that some factor other than chance influenced the scores of these two Petty Officers. At this time PERS-852 directed these two Petty Officers be retested. [redacted] and the other YN2 were retested using cycle 159 examinations. These examination were from March 1998 and contained much of the same information that was on the previous examination. Upon grading the second examination neither Petty Officer scored high enough to validate

their first examination. The scores from the second examination were applied and Petty Officer [redacted] was 11.25 points below the minimum multiple required for advancement to YN1.

4. No relief is recommended in this case.

F. L. Cox

F. L. COX
By direction