DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 3744-00
18 October 2000

ATCS [redacted] USNFR
[redacted]

Dear Seni[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 18 October 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 opinions furnished by the Navy Personnel Command dated 13 July and 21 August 2000, copies of which are 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 opinions. While you did prove that the fitness report of a senior chief with whom you were compared in your contested report was invalid, this did not establish that you should have received a more favorable promotion recommendation than you did. 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

3744-00

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

Enclosures

Copy to:
The Honorable Olympia J. Snowe

3744-00

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

1610
PERS-311
13 July 2000

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

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

Subj: AT[redacted], USN ([redacted]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests his promotion recommendation on his fitness report for the period 8 July 1997 to 26 June 1998 be changed from "Must Promote to Early Promote."

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

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement.

b. The fitness report in question is a Detachment of Reporting Senior/Regular report. The member alleges his promotion recommendation was an injustice.

c. The reporting senior is the judge of the performance of subordinates. While the member may disagree with the reporting senior's evaluation, it all comes down to the requirement that the reporting senior must make a judgment and rank the member's. In this case the reporting senior assigned a promotion recommendation of "Must Promote" to the petitioner. Such a ranking does not indicate a failing on Senior Chi[redacted]t, but rather that the reporting senior gave greater value to the contributions of the others in the summary group.

d. The change the petitioner refers to on the fitness report at issue is not a simple administrative change. Changes to the performance marks, promotion recommendation and ranking are not administrative changes. Such action constitutes a supplementation of the original report. Properly and in accordance with our instructions, a supplement does not change the original report, it merely adds information to the record, or supplements the report already on file.

e. If the member desires, he may submit a statement to be filed with the fitness report in his record. The statement must be temperate, limited to pertinent facts, and may not question of

impugn the motives of the reporting senior or other individuals. The statement may be no more than two pages, have no enclosures. The statement must be forwarded to BUPERS (PERS-311) via the reporting senior who submitted the original report for his endorsement.

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

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

[redacted]

Head, Performance
Evaluation Branch

3744-00

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

1430
Ser 85/915
21 Aug 00

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

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

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

Ref: (a) BUPERSINST 1430.16D

Encl: (1) BCNR file #3744-00

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

2. Senior Chie[redacted]as requested a Special Enlisted Selection Board due to his statement that a fitness report for the period of 8 July 1997 to 26 June 1998 should be changed from "Must Promote" to "Early Promote".

3. PERS-311 memorandum of 13 July 2000 recommends the member's record remain unchanged. Since there is no new information for a selection board to review, Senior Chief [redacted] request must be disapproved.

[redacted]

By direction