



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

BJG
Docket No: 6683-98
25 March 1999

AFCM [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Master Chief [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 24 March 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 opinions furnished by the Navy Personnel Command dated 14 and 29 December 1998 and 12 February 1999, copies of which are attached. They also considered the Commander Naval Air Force, United States Pacific Fleet serial N00IG/226 memorandum dated 5 February 1999 with enclosures (Integrity and Efficiency Issue (I&E 26-98)). Finally, they considered your letters dated 30 September 1998 and 22 March 1999, each with enclosure.

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 dated 29 December 1998.

In light of the report on your I&E issue, the Board could not accept your assertion that the adverse actions against you were unwarranted. In this regard, they particularly noted that the report states the maintenance material control officer (MMCO), the assistant aircraft maintenance officer (AAMO), the maintenance officer, and the commanding officer (CO) did not feel you did a superb job. The Board was unable to find the adverse actions against you were prompted by the AAMO in reprisal for your refusal to drop a training program in place before he reported. Finally, they were unable to find that the CO, who was your reporting senior, did not take due account of input from the MMCO, your immediate supervisor.

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 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



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

6683-98

1610
NPC-311
14 DEC 98

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

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

Subj: AFCM [REDACTED], USN, [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of the fitness report for the period of 6 March 1997 to 24 February 1998.

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

a. A review of the member's headquarters record revealed the fitness report in question to be on file. The report is signed by the member indicating his desire to submit a statement to the report; however, one has not been received. 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.

b. The member alleges that there are persons working to discredit, dishonor and to oust him from the Navy regardless of how it gets done. Based on the information provided in the member's petition we can not determine if the member's allegation has merit.

c. The member alleges that a personality conflict existed between him and his immediate supervisor. He suggests that the reporting senior was influence by the supervisor, which resulted in an inaccurate assessment of AFCM Leonardi's performance. It is appropriate for the reporting senior to obtain and consider information from an immediate supervisor in developing a fitness report. However the report is developed, it represents the judgment and appraisal authority of the reporting senior.

d. The member alleges that although he provided his immediate supervisor with a counseling evaluation on himself, he did not receive a formal mid-term counseling for the period in

Subj: AFCM [REDACTED], USN [REDACTED]

question. Mid-term counseling on performance is mandatory in accordance (a), Annex C, with more frequent counseling encourage if needed. Because counseling may occur in different ways, written documentation of counseling is not required.

e. The member provides in his petition a letter to CINCPACFLT Inspector General requesting an investigation be conducted into his allegation. We can not determine if the Inspector's General's investigation is completed or still pending.

f. Even though the member does provide supportive documentation with his petition he does not prove the report to be unjust or in error.

3. Based on the information provided in the member's petition we can not determine if this is a case of reprisal. We recommend the member's petition be forwarded to NPC-61 for comment. Should the member's allegations be found to have merit, we have no objection removing the report in question.

[REDACTED]

Head, Performance
Evaluation Branch



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
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MILLINGTON TN 38055-0000**

6683-98
1610
NPC-61
29 Dec 98

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Subj: AFCM [REDACTED] USN [REDACTED]

Encl: (1) BCNR File 06683-98 w/Service Record
(2) NAVPERSCOM (NPC-311) Memo 1610 of 14 Dec 98

1. AFCM [REDACTED] has petitioned the Board for Correction of Naval Records (BCNR) for removal of a detachment for cause evaluation from his Naval record for the period 6 March 1997 to 24 February 1998. He alleges the detachment for cause and the adverse evaluation are reprisal actions.

2. Enclosure (1) is returned. Enclosure (2) referred the inquiry to this office to comment on the allegation of reprisal.

3. Based on review of the material provided, the following is provided:

a. There is no evidence that AFCM [REDACTED] received his required midterm counseling scheduled for E-9s in October. This is unfortunate for both the member and the command, however, it does not support an allegation of reprisal for an adverse evaluation. The command had provided counseling within the time period both verbally and in writing with recommendations to correct the deficiencies.

b. The member has provided a great amount of documentation to support a long history of outstanding performance during his 25-year naval career. He also provided a great deal of documentation to illustrate that a certain amount of teamwork was missing within his chain of command during his tenure as Maintenance Master Chief with VFA 97. However, he does not adequately support his allegation of reprisal for his detachment for cause. The Commanding Officer felt AFCM

[REDACTED] leadership abilities were incompatible with the billet, which was his prerogative.

4. Based upon the information provided, I do not believe that AFCM [REDACTED] was a victim of reprisal. The marks and comments in the evaluation represent the judgment and opinion of the Commanding Officer.

[REDACTED]
Commander, U.S. Navy
Director, Professional
Relationships Division



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

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NPC-832C

12 Feb 99

6683-98

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

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

Subj: AFCM [REDACTED], USN [REDACTED]

Ref: (a) COMNAVAIRPAC ltr 5370 Ser N00IG/209 of 3 Feb 99

Encl: (1) BCNR File 06683-98-98
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request for removal of derogatory material.
2. The review indicates that the elements of this petition have been thoroughly reviewed and evaluated by the COMNAVAIRPAC Force Inspector General. Therefore, this office interposes no objection to the comments and recommendations provided in reference (a).

[REDACTED]

Technical Advisor
To the Head, Enlisted
Performance Branch