



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd  
Docket No: 08128-97  
24 May 1999

LT [REDACTED] MC USN  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Lieutenant [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 20 May 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 Bureau of Naval Personnel dated 6 February and 22 April 1998, 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 agreed with the advisory opinion dated 22 April 1998. 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

Enclosures



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO  
1610  
Pers-32  
FEB 6 1998

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

Via: BUPERS/BCNR Coordinator (Pers-00XCB)

Subj: LT [REDACTED], USN, [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests filing of his performance reports for the periods of 1 February 1995 to 31 January 1996 and 1 February 1996 to 30 June 1996.

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

a. A review of the member's headquarters record revealed the reports for the periods in question are not on file. The member includes copies of the reports with his petition and on which we base our comments.

b. The first report (1 FEB 95 - 31 JAN 96) has not been received by Pers-322. Review of the copy included with the member's petition revealed the report to be a not observed because of the member's status as a student. Block 20 of the report contains an adverse entry which indicates the member does not meet the Navy's physical readiness standards. After review of the member's previous report, it appears this is the member's first failure of the PRT. Because the report is an NOB report, there is no promotion recommendation. This report is being added to the automated data base and is being filed in the member's headquarters record.

c. The second report (1 FEB 96 - 30 JUN 96) was received by Pers-322, but was rejected because of the block 20 (PRT) entry which indicates the member did not meet the physical readiness standards. This report is an NOB report as the member is in a student status. The report contains the required comment in block 41, but does not contain the required mark in block 35 for the second PRT failure. Because a report has not been received by Pers-322, the report included with the member's petition cannot be accepted for file.

Subj: LT [REDACTED], USN, [REDACTED]

d. Further review of the member's headquarters record revealed a report for the period of 1 July 1996 to 31 January 1997. The report on file is incomplete as only the front of the document is reflected. Since the member included a copy of this report with his petition we are administratively correcting the record to reflect the full report.

e. Review of Pers-322 selection board support files revealed an advanced message was sent to the member's command in early April 1997 and a request was received from the board recorders on 23 April as a result of the record being hand screened. Since all documents received are forwarded to the board immediately upon receipt, we cannot determine what response or documents were received as a result of our requests.

3. We recommend the member's petition be forwarded to the Director, Active Officer Promotions, Appointments, and Enlisted Advancements Division (Pers-85/26) for comment on the member's request for removal of his failure to select.

[REDACTED]  
[REDACTED]  
[REDACTED]  
Director, Military Personnel  
Evaluation & Correspondence  
Division



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO  
5420  
Ser 85/099  
APR 22 1998

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: L [REDACTED] [REDACTED], USN, [REDACTED]

Ref: (a) PERS-32C memo of 6 February 1998

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of [REDACTED]'s request to remove his failure of selection before the FY98 Lieutenant Commander Medical Corps Promotion Selection Board.
2. Modification of [REDACTED]'s official record has been addressed by reference (a).
3. [REDACTED]'s request for removal of his failure of selection can not be supported. Although his claim that his record was incomplete is correct, the missing fitness reports would not have improved his record significantly. The fitness reports dated 1 February 1995 to 31 January 1996 and 1 February 1996 to 30 June 1996 are both not observed fitness reports. During these reporting periods, [REDACTED] failed the Physical Readiness Test. The report dated 1 July 1996 to 31 January 1997 is an observed report, however it does not indicate that he has satisfactorily completed the Physical Readiness Test and he is not ranked in the top half of his peer group. The exact reason an officer fails to select for promotion is not known. The board reviewed his record and determined him not best qualified for promotion.
4. Recommend disapproval of [REDACTED] request.

[REDACTED]

BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division