



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

SMC

Docket No: 08944-95

19 August 1999

[REDACTED]

Dear [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. You requested replacement of the "2.8" mark in "military appearance" in your enlisted performance evaluation report ending 16 April 1967.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 August 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 10 May and 8 July 1999, copies of which are attached, and your letter dated 12 August 1999 with attachments.

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 10 May 1999. They noted the contested mark need not be consistent with your performance evaluations for other periods. The photographic evidence you provided did not persuade the Board that the mark at issue was unwarranted. 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

8944-95



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

1610
PERS-311
10 MAY 99

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

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

Subj: EX-E [REDACTED] USN [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification of his performance report for the period ending 16 April 1967.

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

a. A review of the member's record revealed the member was an E-4 at the time of the report. Since E-4 and below reports are not filed in the headquarters record, our comments are based on an uncertified copy of the report included with the member's petition.

b. The member alleges that the trait mark of "2.8" in "Military Bearing" was used as a punishment for being overweight.

c. We feel that the trait mark of "2.8" in "Military Bearing" for being overweight is appropriate. The reporting superior comment in block 7, "His appearance due to obesity, is not what it could be", supports the assigned trait mark.

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

3. We recommend retention of the report as written.

[REDACTED SIGNATURE]

Head, Performance
Evaluation Branch

33 ADVISORY OPINIONS

8044-95



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

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PERS-312E/07
8 JUL 1999

From: Commander, Navy Personnel Command
To: Executive Director, Board for Correction of Naval Records
Via: Assistant, Board for Correction of Naval Records (Pers-00Z)

Subj: ADVISORY OPINION IN CASE OF FTM [REDACTED]
US [REDACTED]

Ref: (a) BCNR ltr of 17 Feb 99

1. We have reviewed reference (a). It is our opinion that the member is not eligible for the Good Conduct Medal based on the trait mark of 2.8 in Military Appearance for the evaluation report ending 16 April 1967.

[REDACTED]

By direction