



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

SMC
Docket No: 05577-00
8 March 2001

MR [REDACTED]
[REDACTED]
[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2001. 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 the Navy Personnel Command dated 22 November 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.

The Board was unable to find that when you completed your DD Form 398-2 ("National Agency Questionnaire") in connection with your application for enlistment in the Naval Reserve, you simply forgot to mention three prior arrests listed on your original application for enlistment. They found it was your failure to disclose these arrests that was of primary concern to your reporting senior, rather than the status of your security clearance. Therefore, they concluded that any error she might have made as to the reason the Naval Inventory Control Point questioned your clearance, or as to whether the nature of the action by the Naval and Marine Corps Reserve Center Harrisburg was to revoke your clearance, or administratively withdraw it, would not be material. Concerning the incident with a civilian on a drill weekend, you concede that you did "get into an off base traffic dispute with a civilian," and you describe it as an "altercation." The reporting senior merely states you were "accused of [emphasis added] abusing the authority of [your] uniform" during this

incident, without asserting that this accusation was valid. While the reporting senior's endorsement on your rebuttal to the contested report does mention that "Disturbing facts were also revealed at [your] civilian employment," this was not cited in the basic report. The Board was not persuaded that this was a factor in the reporting senior's appraisal of your performance as a Naval Reservist. Further, you have not shown the reporting senior was incorrect in stating that numerous interviews "revealed a tendency [on your part] to be hot tempered and argumentative." The Board was unable to find the reporting senior gave you an adverse report because you declined to extend your enlistment, thereby precluding administrative separation proceedings against you. Finally, you did not convince the Board that the recommendation against your reenlistment, reflected on your "Record of Discharge from the U. S. Naval Reserve (Inactive)," was not justified.

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

Enclosure

explains in the comment section of the performance evaluation as well as her endorsement to the member's statement, her reasons for writing the performance evaluation as she did.

e. The fact that the performance evaluations for the two previous periods from the same reporting senior were excellent reports has no bearing on the performance evaluation in question. A performance evaluation does not have to be consistent with previous or subsequent reports. Each performance evaluation represents the judgment of the reporting senior during a particular reporting period.

f. We have taken into consideration the statement of support enclosed with the member's petition. While the comments add insight and reflect favorably on the member, it does not show the performance evaluation was in error.

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

3. We recommend the member's record remain unchanged.



Head, Performance
Evaluation Branch