



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

BJG
Docket No: 1528-01
24 October 2001

DT2 [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Petty [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, in effect, that your performance evaluation report for 16 March 1998 to 15 March 1999 be modified to reflect that you were recommended for "early" promotion, and that your individual trait average was "4.14," as in your prior evaluation for 16 September 1997 to 15 March 1998.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 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 24 August 2001, 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. They were unable to find the contested evaluation was incorrect in stating you had an "incident of poor judgement with regard to [an] official claim." They were likewise unable to find that a master chief's personal feelings against you influenced the evaluation at issue, noting his name appears nowhere on the evaluation. 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



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

1610
PERS-311
24 August 2001

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

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

Subj: [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. It is unclear whether the member is requesting the removal or correction of a performance evaluation. It appears the performance evaluation in question is for the period 16 March 1998 to 15 March 1999

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

a. A review of the member headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and her right to submit a statement. The member indicated she did desire to submit a statement. PERS-311 has not received the member's statement and the reporting senior's endorsement.


b. The report in question is a Periodic/Regular report.

c. The performance evaluation appears to be procedurally correct. The reporting senior may properly comment or assign grades based on performance of duty or events that occurred during the reporting period. Comments may be included in a report, which are based on information clearly established to the satisfaction of the reporting senior. Nothing provided in the member's petition demonstrates that the reporting senior acted improperly, violated requirements, or that he abused his discretionary authority in evaluating the member's performance.

d. The member indicated she appeared before a DRB Board in April 1999, and all charges were reviewed and dismissed as unfounded and no disciplinary action taken. The performance evaluation ending date was prior to the DRB.

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

3. We recommend the member's record remain unchanged due to lack of substantiating documentation regarding the DRB. If the member will provide a copy of the DRB we will reconsider her petition.


Evaluation Branch