



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

HD:hd  
Docket No: 02666-00  
28 June 2001

LCDR [REDACTED] USN  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Command [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 28 June 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 19 June 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 noted that you offered nothing to indicate that the reporting senior was not fully aware, when preparing the contested original fitness report, of the matters cited in the narrative of the supplemental report to support the two new "5.0" (highest possible) marks assigned in blocks 33 ("Professional Expertise") and 36 ("Teamwork"). 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  
19 June 2000

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

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

Subj: LCDR [REDACTED] US [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his original fitness report for the period 1 February 1997 to 31 January 1998 and replace it with a supplemental report for the same period.

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

a. A review of the member's headquarters record revealed the report in question and the supplemental report to be on file. The member signed the reports acknowledging the contents of each and his right to submit a statement. The member did not desire to submit a statement.

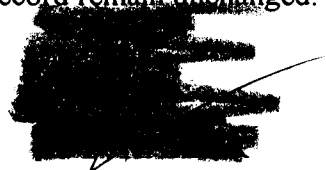
b. The fitness report is a Periodic/Regular report. The member feels that the supplemental report for the period in question should replace the original report, due to the reporting senior stating "wrongfully indicated a decreasing performance trend."

c. The reporting senior has submitted, and we have accepted and filed the supplemental report. The fact that the revision is a better report should have no bearing on whether the original is retained or removed. We make provisions for the submission of supplementary material concerning fitness reports so that the reporting senior may clarify, amend, or correct a report. Substitution of the revised report for the original should only be approved in unusual circumstances. The original and revised reports are filed together with the letter of transmittal. They provide a complete picture of Lieutenant [REDACTED]'s performance as first evaluated, and then after the reporting senior had the opportunity to reconsider. A supplemental report does not automatically replace the original report.

d. Enhancement of chances for promotion is not sufficient reason to remove a fitness report.

e. 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