



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

HD:hd
Docket No: 03920-00
20 April 2001

en

M. [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 19 April 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 1 August 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. Since the Board found insufficient grounds to remove your failures by the Fiscal Year (FY) 99 and 00 Naval Reserve Staff Lieutenant Commander Selection Boards, they had no basis to set aside your discharge from the Naval Reserve on 1 July 2000 or grant you reserve retirement point credit after that date. 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

5420
PERS-86
AUG - 1 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
LIEUTENANT [REDACTED] JR., USN [REDACTED]

Encl: (1) BCNR File 03920-00 w/Service Record

1. We are returning enclosure (1) with the following observations and the recommendation that Lieutenant [REDACTED]'s request for removal of two failures of selection be denied.
2. Lieutenant [REDACTED] asserts that he received an inadequate separation briefing. He further asserts that he was not informed that by signing the oath of office for a commission in the Individual Ready Reserve (IRR) on 09 September 1995, he would be eligible for consideration for promotion while in the IRR. While in the IRR and on the Reserve Active Status List (RASL), Lieutenant [REDACTED] is considered by both the FY-99 and FY-00 lieutenant commander selection boards and failed of selection both times. It is our opinion that Lieutenant [REDACTED] should have exercised due diligence in ensuring he fully understood the ramifications of a commission in the IRR. Further more, it is ultimately the individual officer's responsibility to be aware of his Reserve status and eligibility for promotion, and to plan accordingly.
3. Lieutenant [REDACTED] Jr., can be justifiably proud of his record and years of contributions; the negative response to his petition does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]

Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division