



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

HD:hd  
Docket No: 06436-00  
14 June 2001

LTJG [REDACTED] SC USNR  
[REDACTED]  
[REDACTED]

Dear Lieutenant [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 7 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 opinions furnished by the Navy Personnel Command dated 29 November 2000 with enclosures and 14 February 2001, and a memorandum for the record dated 5 June 2001, copies of which are 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 opinions. Accordingly, 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

Copy to:

Mr. [REDACTED]



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

1611  
Ser 834C/1103  
29 Nov 00

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

Subj: LTJG [REDACTED] SC, USNR, [REDACTED]

Ref: (a) BCNR memo 5420 PERS-00ZCB of 3 Nov 00  
(b) SECNAVINST 1420.1A

Encl: (1) BCNR file 06436-00  
(2) CHNAVPERS ltr 1426 of 6 Jul 00  
(3) Report of the Board of Inquiry ICO  
LTJG [REDACTED] SC, USNR

1. Reference (a) requested comments and recommendations concerning the removal of [REDACTED] permanent promotion to lieutenant. Enclosure (1) is returned as a matter under the purview of BCNR.
2. Per reference (b), the Secretary of the Navy may remove the name of an officer from a promotion list if the officer is mentally, physically, morally, or professionally unqualified. As indicated by enclosure (2), the Secretary was aware of all of the issues that have been presented to the BCNR when he reviewed [REDACTED] case. LTJG [REDACTED] was determined to be not professionally qualified for permanent promotion to lieutenant.
3. The quoted statements from the senior Board member that were provided by [REDACTED] are incomplete and out of context. As shown by enclosure (3), the senior member was explaining the Board of Inquiry's decision to retain [REDACTED], and counseling him to improve his performance in the future.
4. As this removal action was consistent with applicable directives and the handling of similar cases, and the Secretary of the Navy was aware of all the issues that have been presented to the BCNR, I do not recommend relief be granted to LTJG [REDACTED] in this matter.

[REDACTED]

Commander, U.S. Navy  
Director, Personnel Performance &  
Security Division (PERS-83)





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

1426  
6 Jul 00

From: Chief of Naval Personnel  
To: LTJG [redacted] 16, SC, USNR, [redacted]  
Via: [redacted]

Subj: REMOVAL OF YOUR NAME FROM THE FY-99 ACTIVE LIEUTENANT  
STAFF PROMOTION LIST

Ref: (a) SECNAVINST 1420.1A

Encl: (1) CHNAVPERS ltr 1421 of 10 Apr 00

1. You are hereby officially notified that the Secretary of the Navy has removed your name from the FY-99 Active Lieutenant Staff Promotion List per reference (a). Enclosure (1) pertains.
2. A copy of this letter and enclosure (1) will be filed in your official record. Accordingly, you are afforded the opportunity to comment on this information prior to its entry into your official record. If you desire to comment on this action, please forward your statement within fifteen days of receipt of this letter.

3. PERS-834C POC: [redacted] COMM (901) 874-  
[redacted]

[redacted signature block]

By direction

1/3

"FINISH FILE PERS-834C FICHE 5"



DEPARTMENT OF THE NAVY  
CHIEF OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO  
1421  
10 APR 2000

From: Chief of Naval Personnel  
To: Secretary of the Navy

Subj: REMOVAL OF PERMANENT PROMOTION TO LIEUTENANT ICO  
LTJG [REDACTED], SC, USNR [REDACTED]

Ref: (a) SECNAVINST 1420.1A

1. [REDACTED] received nonjudicial punishment on 17 October 1998 for violation of the UCMJ, Article 92 (eight specifications), dereliction of duty. Specifically, while serving as Sales Officer onboard USS NICHOLAS (FFG 47), [REDACTED] failed to notify the commanding officer of several money shortages, including the theft of an undetermined amount of money from a filing cabinet. [REDACTED] was also found to be in violation of several requirements governing the management of the Ship Retail Operations. [REDACTED] was awarded a punitive letter of reprimand. Commander, Naval Surface Force, U.S. Atlantic Fleet; Commander, Destroyer Squadron EIGHTEEN; and Commanding Officer, USS NICHOLAS recommended [REDACTED] be removed from the promotion list. The current Commanding Officer, USS NICHOLAS also recommends that [REDACTED] be removed from the promotion list.

2. [REDACTED] was directed to show cause for retention in the Naval Service. The Board of Inquiry (BOI) that reviewed his case determined that [REDACTED] had not committed misconduct, but had failed to demonstrate acceptable qualities of leadership required of an officer in his grade and had failed to conform to prescribed standards of military deportment. By a vote of 3-0, the BOI recommended that [REDACTED] be retained. The request to detach [REDACTED] on cause from USS NICHOLAS was approved on 5 January 2000.

3. [REDACTED] July 1999 promotion to lieutenant was delayed on 16 June 1999. [REDACTED] submitted a statement in response to the delay. On 28 January 2000, the Assistant Secretary of the Navy, Manpower and Reserve Affairs, ratified and extended the promotion delay. On 17 November 1999, LTJG [REDACTED] notified that his name may be removed from the FY-99 Active Lieutenant Staff Promotion List, and he submitted a statement in response to the possible removal.

Subj: REMOVAL OF PERMANENT PROMOTION TO LIEUTENANT ICO  
LAWRENCE SC, USN

4. Per reference (a), [redacted] is not professionally qualified for promotion to the grade of lieutenant. Request you remove his name from the FY-99 Active Lieutenant Staff Promotion List.

[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted] Navy

SECNAV DECISION:

Approved: [redacted]

6/24/00

Disapproved: \_\_\_\_\_

Other: \_\_\_\_\_



Lieutenant (junior grade) [redacted] United States Naval Reserve.

FINDINGS OF THE BOARD: The board finds that:

By a vote of 3 to 0, that Lieutenant (junior grade) [redacted] has not committed a military or civilian offense, which, if prosecuted under the UCMJ, would be permitted--would be punished by confinement of six months or more: specifically, violations of the UCMJ, Article 92, eight specifications, dereliction of duty, as evidenced by his nonjudicial punishment of 17 October 1998; and

By a vote of 3 to 0, Lieutenant (junior grade) [redacted] has viola--has failed to demonstrate acceptable qualities of leadership required of an officer in his grade, as evidenced by his nonjudicial punishment of 17 October 1998; and

By a vote of 3 to 0, that Lieutenant (junior grade) [redacted] has failed to comport--to conform to prescribed standards of military deportment, as evidenced by his nonjudicial punishment of 17 October 1998.

RECOMMENDATION OF THE BOARD:

By a vote of 3 to 0, the board recommends that the respondent be retained in the naval service.

SM: And I think the supply officer has a few comments he'd like to make.

REPORTER: Do you want to adjourn?

CR: No.

SM: Keep it on the record.

REPORTER: Okay.

HERING: Thanks for just a couple of closing comments. I know you've had quite a bit of counsel from COs and others over the course. I don't know if you've had an O-6 pork chop look at you in the eye and give you some

guidance. But I feel compelled to do that after listening to what we heard today.

Let me start, first, by saying that the--that the system failed you in many ways, beginning with your preparations in Supply Corps school in Athens. Six months down there should have prepared you for what you were going to encounter in the [REDACTED]. It should have prepared you for the records, the ability to audit, the ability to QA and the ability to access--assess the quality of the people working for you. Clearly, it didn't.

As you had a one-day turnover with your predecessor, the arrival system/detailing system failed you. One day to turn over in disbursing and sales is--is physically impossible, and--and again, that's a professional issue that bothers me and, again, it set you up to fail.

The conduct of the first Supply Officer, as your first mentor in the Supply Corps, clearly was in the top ten of the bottom 100 list, and he failed you. As you moved forward through the rest of your tour, the manning in the Navy and the manning on the NICHOLAS failed you, as we should have found people that were fully qualified to provide the technical abilities on the NICHOLAS.

As you moved forward and tried to work with the Navy Exchange assist team and the LMA team, they did their best to assist you, but when hand holding was necessary, they weren't there for you 24 hours a day. Captain Hering speaking, as a Supply Corps officer with 22 years, I expect those [REDACTED] to be there by your side underway, in port, on weekends until they feel that you are able to fly by yourself. Clearly, you were not ready to fly by yourself, and so the system failed you.

I hope today that the board didn't fail you. We looked at the balance of the issues and the concerns, and I hope that we have come across and made a long--lot of wrongs sorted out for you so that you can finish your naval career.



But I wouldn't be done and wouldn't close if I didn't underscore what's crucial for any Supply Corps officer and any naval officer, and that is the accountability issue and the ethics issue. You have a responsibility to maintain your courage of convictions, even when it doesn't feel right, the SuppO's twisting your arm, the CO's staring at you. You have got to hunker down and make sure that you can look yourself in the mirror the next day when it comes to doing the right thing. You've struggled with that over the course of these 18 months. I know you have agonized. I can sense by your spouse's body language that she has agonized also, and this has been difficult for you as a family.

Just like in the accountability of those records, today we start again. The record is now restarted. The chalkboard's clear, and so you've got to take from this and the rest of your life that when it doesn't feel right, it probably isn't right. In fact, in most cases it is wrong, in which case you've got to stand up, whether it's wearing a lieutenant's uniform, a civilian uniform, whatever the case is, hunker down, summon the courage and do the right thing.

So if you take nothing else away from what I've told you today is the board's clear. It was a close call, and you can be proud of your prior service and the ability to keep your record clean until retirement. Your options in the Supply Corps are severely limited now because of the mast case and the other things in your record, but there is still meaningful work for you to be done out there, as evidenced by Admiral Ziemer's letter to you. Obviously, you've got an important role in the final years here, and I encourage you to get on with that and, again, if you sense any problems within an area, whether it's tax assistance to sailors or whether it's something at the Supply Center, wherever you may go, stand up for it, do the right thing, and no one can ever criticize you for being that way. Thank you.

SM: The only thing I can tell you is integrity is something that each of us bring to the table. That's the baseline credentials that we have. And it's incumbent on each of us to make sure that when we're in charge of subordinates that we train them and that we get the maximum from them. But it's not a one-way

street; it's a two-way conversation, it's a dialog. And so hopefully, as painful as this experience has been to you, you will be able to counsel other people in the future how not to get into this situation. And with that, I think we're finished. Thank you.

The board adjourned at 1533 hours, 27 September 1999.

6436-00



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

5420  
Pers 85  
14 Feb 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LTJG Edwards, USNR,

Ref: (a) Pers-83 memo of 29 Nov 00  
(b) SECNAVINST 1420.1A

Encl: (1) BCNR File  
(2) CHNAVPERs ltr 1426 of 6 Jul 00

1. Enclosure (1) is returned concurring with the findings and recommendations of ref (a) and recommending disapproval of LTJG request.
2. Per enclosure (2), the Secretary of the Navy has reviewed case and has determined him to be not professionally qualified for permanent promotion to lieutenant. Per ref (b), this justified removal of his name from the permanent promotion list.
3. Recommend disapproval of Edwards' BCNR request.

BCNR Liaison, Officer Promotions  
And Enlisted Advancements Division



HD:hd  
Docket No. 06436-00  
5 June 2001

MEMORANDUM FOR THE RECORD

SUBJ: [REDACTED] Edwards, SC, USNR, 129-620173 [REDACTED]

1. This memorandum for the record is to document a phone conversation between SNO counsel ([REDACTED] [REDACTED], Jr.) and this staff member.
2. Our letter was mailed on 21 March 2001 with the advisory opinion to the member. I asked the counsel if they intended to response to the advisory opinion. He indicated that he would contact the member and get back with me.
3. On 6 June 2001, counsel returned my call and indicated that he had seen the advisory opinion and had advised the member some time ago on how to response; however, since we had not received a response as of yet, he thought it okay to take the case before the Board as is.

[REDACTED]  
[REDACTED]  
[REDACTED]