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

HD:hd
Docket No: 06470-00
17 August 2001

[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.

You requested that your failure of selection by the Fiscal Year (FY) 01 Naval Reserve Line Lieutenant Commander Selection Board be removed, and that you be granted consideration by a special board. Your request for a special selection board was not considered, as you were selected by the FY 02 promotion board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 August 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 21 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. They noted that according to paragraph 3 of this opinion, your fitness report for 1 October 1998 to 31 October 1999 was missing from your record when you were considered by the FY 01 promotion board. However, they found no indication that you made any effort to ensure this report would be available to the board; and they noted that the Electronic Military Personnel Records System (EMPRS) reflects this report was filed on 15 October 1999, before the promotion board convened on 15 May 2000. 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

NOV 21 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
[REDACTED], USNR [REDACTED]

Encl: (1) BCNR File 06470-00 w/Service Record

1. We are returning enclosure (1) with the following observations and recommendation that Lieutenant [REDACTED] request for removal of her FY-01 failure of selection and request of special board be denied.

2. Lieutenant [REDACTED] asserts that she was not given a thorough pre-board evaluation of her record by personnel in PERS-311, 312G and 313, whom she contacted prior to the FY-01 Reserve Lieutenant Commander Line Selection Board. She asserts that she was informed of two items missing from her record that according to PERS personnel required attention. She subsequently provided those two items in a letter to the board. She asserts that once she failed to select that she contacted personnel in PERS-3 and PERS-86, and that senior officers and civilian personnel reviewed her record. She states that these senior officers and civilian personnel determined that there were omissions in her record that would have made her record more complete before the board.

3. Specific reasons for the failure of select are not available because selection board proceedings are sensitive in nature and records of deliberations are not kept. A review of her record, which was substantially complete when reviewed by the board, did show a gap of missing fitness reports from December 1992 through August 1995. During this time, her record reflects that she was in the Individual Ready Reserve and therefore was not receiving fitness reports. Other gaps in her record were covered by a letter transferring her to the Inactive Status List (USNR-S2) effective 29 September 1995, and a letter returning her to the Reserve Active Status List effective 05 August 1996.

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LT [REDACTED] USNR [REDACTED]

Her fitness report covering the period 01 October 1998 through 31 October 1999 was missing from her record for the board. Based on a review of her record, it was substantially complete when reviewed by the board.

4. It is unclear what information that PERS-3 or PERS-86 personnel might have given [REDACTED]. It is our opinion that Lieutenant [REDACTED] record simply was not competitive when considered among the other eligibles. The periods of inactivity, with the lack of fitness reports to determine a performance history, and the lack of a breakout on her two regular Lieutenant fitness reports were most likely contributing factors to her fail of select.

5. Lieutenant [REDACTED] can be justifiably proud of her record and years of contributions; the negative response to her petition does not detract from her honorable service to this nation and the United States Navy.

[REDACTED]

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