



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

SMC
Docket No: 06512-00
7 June 2001

YN2 [REDACTED] USNR
[REDACTED]
[REDACTED]

Dear Petty Officer [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 opinion furnished by the Navy Personnel Command dated 17 January 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. The Board did not accept your contention that the contested evaluation represented too great a change from the preceding evaluation in too short a time. 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
17 January 2001

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

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

Subj: YN [REDACTED], US [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to modify his performance evaluation for the period 16 March 1999 to 15 March 2000 by changing block-33 from 2.0 to 3.0 and block-45 promotion recommendation from significant problems to progressing.

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

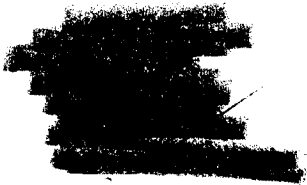
a. A review of the member's headquarters record revealed the report in question to be on file. The member signed the report acknowledging the contents and his right to submit a statement. The member did not desire to submit a statement. Per reference (a), Annex S, paragraph S-8, the member may submit a statement to the record about any performance evaluation within two years of the ending date of the report.

b. The performance evaluation for the period 16 March 1998 to 15 March 1999 is an invalid performance evaluation. The member received a promotion recommendation of "Progressing" which is in violation of reference (a), Annex Q, paragraph Q-2.b which states; "Progressing" may not be marked if an advancement recommendation is already in effect in current grade, even if the recommendation came from a previous command.

c. The performance evaluation for the period 16 March 1999 to 15 March 2000 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. Nothing provided in the petition demonstrates that the reporting senior acted improperly, violated requirements, or that he abused his discretionary authority in evaluating the member's performance. The reporting senior explained in block-43 (Comments on Performance) his reason for preparing the report as he did.

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

3. We recommend the member's record remain unchanged except for the report for the period 16 March 1998 to 15 March 1999. We are in the process of returning it to the reporting senior for correction and resubmission.



Head, Performance
Evaluation Branch