



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

HD:hd  
Docket No: 07125-00  
10 August 2001

en

CDR [REDACTED] USN

Dear Commander [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, in effect, removal of your failures by the Fiscal Year (FY) 01 and 02 Line Captain Selection Boards, leaving in your record your failure by the FY 00 promotion board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 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 opinions furnished by the Navy Personnel Command dated 6 and 27 March 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 advisory opinion dated 6 March 2001 in concluding that no correction of your fitness report record was warranted. As they were unable to find the contested original fitness report improperly marked you, and they were likewise unable to find the letter supplement should have been submitted sooner, they had no grounds to remove your failures by the FY 01 and 02 Line Captain Selection Boards. 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

Enclosures



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

1610  
PERS-311  
6 March 2001

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

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

Subj: CD [REDACTED] USN [REDACTED]

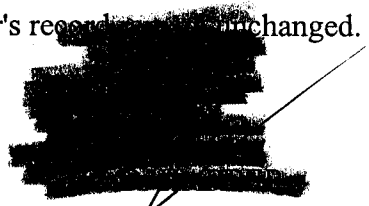
Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests corrections be made to his fitness report for the period 14 July 1998 to 31 August 1999.
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. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement.
  - b. The report in question is a Periodic/Regular report. The member alleges an administrative error was made on his fitness report in question concerning his promotion recommendation.
  - c. The member and the reporting senior refer to changes to the fitness report in question as administrative changes. Changes to trait marks, promotion recommendations and ranking are not administrative changes. Such action constitutes a supplementation to the original report. We provide reporting senior's with the facility to add additional information to fitness reports that has come to light since the original report was submitted.
  - d. The reporting senior has submitted and we have accepted a Fitness Report Letter Supplement. The Letter Supplement changed the member's promotion recommendation from "Must Promote" to "Early Promote." A Fitness Report Letter Supplement only adds additional information, it does not replace an original fitness report.
  - e. Commander Gural states the fitness report in question adversely affected his consideration for promotion to 06 on the FY-00 promotion board. We do not support changes of record to improve a member's opportunity for promotion or career enhancement.

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

3. We recommend the member's record be changed.



Head, Performance  
Evaluation Branch



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

5420  
Pers 85  
27 Mar 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: CD [REDACTED] USN [REDACTED]

Ref: (a) Pers-311 memo of 6 Mar 01

Encl: (1) BCNR File

1. Enclosure (1) is returned concurring with the findings of ref (a) and recommending disapproval [REDACTED] BCNR request.
2. The fitness report dated 14 Jul 98 - 31 Jul 99 could not have affected the member's consideration for promotion by the FY-00 Active Duty Captain Line Promotion Selection Board, as it convened 14 Jan 99. The FY-01 board would have been the first to review the fitness report in question.
3. The member signed the 14 Jul 98 - 31 Aug 99 fitness report acknowledging the contents and declining the opportunity to submit a statement. The alleged administrative error was recognized only after the failure of selection. The supplement to the fitness report in question is dated 11 Oct 00, well after the 11 Jan 00 convening of the FY-01 board. If the record were properly screened prior to the board, the error would have been recognized and attempts to correct it could have been made.
4. [REDACTED] record before the FY-00 and FY-01 boards was considered complete and provided a substantially accurate and fair portrayal of the member's naval career. The removal of CDR [REDACTED] failure of selection for the FY-00 or FY-01 Active Duty Captain Line Promotion Selection Boards is not warranted.

[REDACTED]

BCNR Liaison, Officer Promotions  
And Enlisted Advancements Division