



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

BJG
Docket No: 8020-00
8 August 2001

PN [REDACTED] ENR-RET
[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 8 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 Naval Reserve Personnel Center dated 3 May 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. 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

Enclosure



DEPARTMENT OF THE NAVY

NAVAL RESERVE PERSONNEL CENTER
NEW ORLEANS, LOUISIANA 70149-7800

IN REPLY REFER TO:
5420
Ser 01/0034
May 3, 2001

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

Subj: P [REDACTED]

Ref: (a) BUPERSINST 1430.16D
(b) SECNAVINST 1820.2B

Encl: (1) BCNR Case File Number 08020-00

1. After reviewing Petty Officer First Class [REDACTED] application for correction of his military record, enclosure (1) is returned with the following findings and recommendations:

a. Documentation was not on file in Petty Officer [REDACTED]'s record indicating he was ever advanced to Chief Petty Officer. Additionally, as Petty Officer [REDACTED] was not a satisfactory drilling participant within six months of the date of release from active duty, as required per reference (a), he was ineligible to be advanced based upon the active duty advancement examination.

b. Reference (b) states enlisted members, upon assignment or transfer to the Retired Reserve shall be retired in the highest pay grade in which they have satisfactorily served. Because petitioner did not serve as a Chief Petty Officer, advancement can not be authorized.

2. Recommend petitioner's application for advancement to highest pay grade be denied.

[REDACTED]

Captain, U. S. Naval Reserve
Commanding Officer