



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

HD:hd
Docket No: 08398-00
15 June 2001

LCDR [REDACTED] S CHC USNR
[REDACTED]
[REDACTED] 0042
[REDACTED]

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.

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 their file on your prior case, docket no. 4769-96, and the advisory opinion furnished by the Navy Personnel Command dated 15 March 2001, a copy of which is attached. The Board also considered your letter dated 24 May 2001.

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.

The Board found that your failure by the Fiscal Year (FY) 98 Staff Lieutenant Commander Selection Board should stand. In this regard, they were unable to find that your record before that promotion board included any prejudicial documents which should have been removed. They were likewise unable to find your record before that promotion board was not complete, or that you would have provided any significant additional information had you known you would be considered by that board.

The Board substantially agreed with the advisory opinion in concluding that your promotion should not be backdated to reflect selection by the FY 95 Staff Lieutenant Commander Selection Board, nor should it be backdated to reflect selection by the FY 96 or 97 promotion 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

Enclosure

8398-00



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

5420
Pers 85
15 Mar 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] USNR [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending disapproval of LCDR Hendricks' Lieutenant Commander FY-95 backdate request.
2. LCDR Hendricks was selected by the FY-99 Active Duty Lieutenant Commander Chaplain Corps Promotion Selection Board. A review of his promotion history reflects failure of selection to Lieutenant Commander during the FY-95, 96, 97 and 98 boards. Our records indicate that the member's BCNR directed corrections were completed prior to the FY-98 board.
3. A review of the member's master officer file and the record of proceedings for the FY-98 Active Duty Lieutenant Commander Chaplain Corps Promotion Selection Board, convened on 5 May 97, indicate that LCDR Hendricks was listed as an above zone not previously considered officer for the FY-98 board. Additionally, the memorandum in lieu of the removed fitness reports is dated 4 Apr 97 and the corrected microfiche is dated 21 Apr 97, thereby providing additional documentation that LCDR Hendricks' record before the FY-98 board was correct and contained all BCNR directed changes. Although all corrections were made, [REDACTED] failed to select.
3. As the member failed to select before the FY-98 board, a Lieutenant Commander FY-95 backdate is not warranted. Recommend disapproval of [REDACTED] BCNR request.

[REDACTED]

BCNR Liaison, Officer Promotions
And Enlisted Advancements Division