



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

HD:hd  
Docket No: 08579-00  
12 July 2001

L [REDACTED] USNR RET  
[REDACTED]  
[REDACTED]

Dear Lieutena [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 12 July 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 16 February 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  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

3579-00

5420  
PERS-86

16 FEB 2001

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  
LIEUTENANT [REDACTED] USNR [REDACTED]

Ref: (a) BCNR memo 5420 PERS-00ZCB of 23 JAN 01  
(b) SECNAVINST 1401.1B

Encl: (1) BCNR File 08579-00 w/Service Record

1. Per reference (a) enclosure (1) is returned recommending disapproval of Lieutenant [REDACTED] request to have his second failure of select removed.

2. Lieutenant [REDACTED] was properly considered during the FY-00 and FY-01 Reserve Lieutenant Commander Staff Corps Promotion Selection Boards. The Secretary of the Navy directed the FY-01 board to convene in June FY-00. The promotion zone and percentage to select were consistent with established law and policy. Lieutenant [REDACTED] claim is that he was at a disadvantage in relation to his peers due to an earlier convening date than the previous year's board is without merit. His record before the FY-01 board would have included the annual lieutenant fitness report due 31 Oct 1999 updating his performance record from the FY-00 board. Lieutenant [REDACTED] was subject to the same constraints as his peers when considering training qualifications and annual training opportunities. The board selected those officers who were best and fully qualified for promotion based on the records of those officers eligible at the date the board convened.

3. Lieutenant [REDACTED] can be justifiably proud of his record. The negative response to his petition does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]  
Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division