



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

HD:hd
Docket No: 02245-01
27 February 2002

LT [REDACTED] USNR
[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 22 February 2002. 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 24 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. As the contested fitness reports reflected no adverse marks, no supporting comments were required. 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
24 May 2001

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

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

Subj: LT [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests corrections are made to his fitness report for the period 20 January 1996 to 20 January 1997.

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

a. A review of the member's headquarters record revealed three fitness reports to be on file for the period in question. All three reports are signed by the member acknowledging the contents of each report and his right to submit a statement. The member did not desire to submit a statement.

b. The reports in question cover the periods 26 October 1995 to 31 January 1996, 1 February 1996 to 27 September 1996, and 28 September 1996 to 31 January 1997. The member alleges the low marks do not agree with his work performance and there was no counseling or justification for the low marks.

c. We cannot administratively remove or change the fitness reports as the member requested. Only the reporting senior who signed the original fitness report may submit supplementary material for file in the member's record.


d. The fitness reports appear to be procedurally correct. A fitness report is unique to the period being evaluated. The contents and grades assigned on a fitness report are at the discretion of the reporting senior. Nothing provided in the member's petition demonstrates that the reporting senior acted improperly, violated requirements, or that he abused his discretionary authority in evaluating the member's performance.

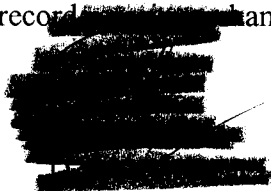
e. Counseling of a member takes many forms. Whether or not Lieutenant [REDACTED] was given written, oral counseling, or a Letter of Instruction (LOI), does not invalidate a fitness report.

f. Enhancement of chances for promotion is not sufficient reason to remove a fitness report.

g. The fitness reports have been in the member's record for over four years. If the member felt they were in error or unjust, timely submission of corrections was in order and the member could have submitted a statement for inclusion in his record.

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

3. We recommend the member's record  aged.



Head, Performance
Evaluation Branch