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

SMC
Docket No: 04935-00
8 February 2001

STSI [REDACTED] USN
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Petty Officer [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 February 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 26 September and 13 October 2000, copies of which are attached, and the Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs) action dated 25 June 1999 on your complaint under Article 138, Uniform Code of Military Justice.

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 opinions. 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
26 September 2000

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

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

Subj: STS1(SS) [REDACTED], U [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member request to have his recommendation to Chief Petty Officer be reinstated.

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

a. A review of the member headquarters record revealed the fitness 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 indicated he did desire to submit a statement, however the member's statement and reporting senior's endorsement have not been received.

b. The report in question is an adverse Special/Regular report submitted to withdraw the member's recommendation for advancement to Chief Petty Officer. The member alleges the removal of his recommendation for Chief Petty Officer was unjustified.

c. Per reference (a), Annex N, comments on events that may have affected the command or member's performance, and which are established to the reporting senior's satisfaction are appropriate if desired by the reporting senior. The contents of the report (marks, comments, and recommendations) represents the reporting senior's appraisal authority for a specific period of time. The reporting senior clearly explains in the comment section of the report the reason for preparing the report as he did. The report is not required to be consistent with previous or subsequent reports. The report is procedurally correct.

d. Petty Officer [REDACTED] has provided several letters of support with his petition. While their comments add insight and reflect favorably on Petty Officer [REDACTED] performance, they do not show that the fitness report was in error and they were not responsible for evaluating his performance.

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

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

3. We recommend the member's record remain unchanged.

[REDACTED]

Head, Performance
Evaluation Branch



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

1430
Ser 85/1153
13 Oct 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF STS1(SS) [REDACTED] USN, [REDACTED]

Ref: (a) BUPERSINST 1430.16D

Encl: (1) BCNR file #04935-00

1. Based on policy and guidelines established in reference (a), enclosure (1) is returned recommending disapproval.

2. Petty Officer [REDACTED] recommendation for advancement was removed by his Commanding Officer by means of an evaluation for the period of 16 September 1997 to 24 January 1998. This is the correct procedure for removal of recommendation for advancement. PERS-311 memorandum of 26 September 2000 states Petty Officer [REDACTED] does not prove the report to be unjust or in error. No relief is recommended in this case.

[REDACTED]

By direction