



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

en

BJG
Docket No: 6239-01
21 March 2002

ET2 [REDACTED] JSN
[REDACTED]
[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 21 March 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 opinions furnished by the Navy Personnel Command dated 17 December 2001 and 22 January 2002, copies of which are 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 dated 17 December 2001 in concluding no modification of the performance evaluation in question was warranted. Therefore, they had no basis for backdating your advancement to electronics technician second class (ET2), pay grade E-5. 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

6239-01

1610
PERS-311
17 December 2001

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

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

Subj: ET3 [REDACTED] 1610

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests his promotion recommendation be changed on his performance evaluation for the period 1 March 1998 to 1 September 1999.

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

a. A review of the member's headquarters record revealed the member was an ET3 (E-4) at the time of the report. Since E-4 and below performance evaluations are not filed in the member's headquarters record, we base our opinion on an uncertified copy provided with the member's petition.

b. The report in question is Special/Regular report. The member alleges the report does not fully appreciate his actions, abilities, commendations, and the promotion recommendation of promotable is an injustice.

c. A performance evaluation is unique to the period being evaluated. The contents and grades assigned on a report are at the discretion of the reporting senior. The evaluation of a member's performance and making recommendations concerning promotion and assignments are the responsibilities 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.

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

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



Performance
Evaluation Branch

6239-01



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

1430
Ser 811
22 Jan 02

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
ET2 [REDACTED] USN [REDACTED]

Ref: (a) BUPERSINST 1430.16E

Encl: (1) BCNR file [REDACTED]

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

2. Petty Officer [REDACTED] has requested a change to his evaluation of 1 March 1998 to 1 September 1999, and based upon this change backdating his advancement to ET2. PERS-311 has provided a memo of 17 December 2001 stating the subject evaluation is not in error or unjust and recommends no changes. Based on this information, no relief can be recommended with regards to the petition.

[REDACTED]
By direction