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

HD:hd
Docket No: 06678-02
12 September 2003

YN [REDACTED] ISN
[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 11 September 2003. 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 22 February 2003 and the Memorandum for the Record dated 8 September 2003, 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. 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

Enclosures



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

1610
PERS-311
22 February 2003

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

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

Subj: YN1 (SW/AW [REDACTED])

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his performance evaluation for the period 16 November 1996 to 10 November 1997.

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

a. A review of the member's headquarters record revealed the 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 did not desire to submit a statement.

b. The report in question is a Detachment of Individual/Regular report. The member alleges the report is unjust because his input was not documented in the report and some opinions are not supported by facts. It is unclear what the member means, some opinions are not supported by facts.

c. Reference (a), Annex S, paragraph S-3 states, "A member has the right to submit fitness or evaluation report input, and has the duty to do so if requested by the rater or reporting senior". It is the reporting senior's determination as to whether he/she will use inputs received for performance evaluations. In whatever manner the report is developed, it represents the judgment and appraisal of the reporting senior. The reporting senior clearly explains in block-43 (Comments on Performance) his reason for writing the report as he did. The report is a valid report.

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

8 September 2003

MEMORANDUM FOR THE RECORD

Subj: YN1 (SW/AV) [REDACTED] US [REDACTED]

1. This memorandum for the record is to document a phone conversation between a member of this staff and the Petitioner, who indicated that he had nothing further to offer and that his case should go before the Board as is.

[REDACTED] 