



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

HD:hd  
Docket No: 07562-02  
13 December 2002

CDR [REDACTED] USNR  
[REDACTED]  
[REDACTED]

Dear Commander [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. You requested adjustment of your commander date of rank from 1 November 1995 to 1 November 1998.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 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 15 October 2002, a copy of which is attached. The Board also considered your letter dated 2 November 2002.

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

5420  
PERS-80

15 OCT 2002

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  
OF [REDACTED], USN [REDACTED]

Encl: (1) BCNR File 07562-02

Ref: (a) Title 10 USC § 741(d) para 3

1. Forwarded, recommending disapproval.
2. [REDACTED] request for a date of rank adjustment is not authorized, in accordance with Title 10 USC § 741(d)(3) which states, "the authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who has served continuously in the selected reserve of the Ready Reserve since the officer's last promotion." [REDACTED] has served continuously in the Selected Reserve of the Ready Reserve since his last promotion date of 1 November 1995. Therefore, his request for a date of rank adjustment is not granted.

[REDACTED SIGNATURE]

Director, Active and Reserve  
Officer Career Progression  
Division