



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

HD:hd
Docket No: 04644-03
12 September 2003

MR [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.

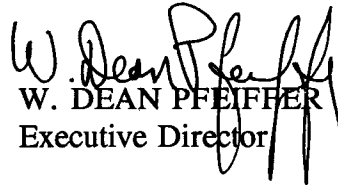
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 September 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 7 July 2003, a copy of which is attached. The Board also considered your letter dated 21 August 2003.

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. The Board was unable to find Ensign F--- gave you erroneous instructions that caused you to crash a trainer, or that he took any other actions that precluded your receiving a commission. 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

4644-03



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

IN REPLY REFER TO
5420
PERS-911
7 Jul 03

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IC [REDACTED]
[REDACTED] FORMER MEMBER, USNR [REDACTED]

Ref: (a) BCNR memo 5420 PERS-00ZCB of 1 Jul 03

Encl: (1) BCNR File 04644-03

1. Per reference (a), enclosure (1) is returned with the following comments and recommendations. [REDACTED] is petitioning to have his records corrected to show he was stationed at Kingsville, Texas, and is requesting to be commissioned an ensign in the Naval Reserve. Regrettably, due to the length of time since he was a member of the Navy, we recommend his petitions be denied. BCNR's Statute of Limitations would seem to apply in this case.

2. We noticed enclosure (1) does not contain the member's archived official record. Consequently, it is difficult to determine if there are specific omissions that should be corrected. There has never been a requirement that the member's flight log match his official personnel records. If his official record is available and there is something blatantly out of order, we interpose no objection to a corrective remark being placed in the files. Otherwise, revisiting a personnel file that will never be seen or used again, some 57 years after return to civilian status, serves no purpose.

3. In regard to appointment in the Naval Reserve, [REDACTED] does not meet any of the requirements for appointment.

4. If you have questions concerning this matter, please contact me at [REDACTED]

[REDACTED]

Deputy Director, Naval Reserve
Personnel Administration Division