



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

CRS
Docket No: 1914-09
16 April 2010

[REDACTED]

[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 14 April 2010. 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 17 April 2009, a copy of which is 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 PFENKER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1430
Ser 811/233
17 Apr 09

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS


Via: PERS-31C

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 4 Feb 09
(b) BUPERSINST 1430.16F
(c) MILPERSMAN 1160-030
(d) MILPERSMAN 1160-040

Encl: (1) BCNR File

1. Per references (a) through (d), recommend disapproval to the petitioner's request.
2. The petitioner is requesting that his Cycle 199 and 200 advancement examinations be revalidated as his NJP was set aside.
3. The petitioner's Cycle 199 and 200 advancement examinations were not invalidated due to his NJP. They were invalidated as his evaluations dated 08Jun15-08Oct22 and 08Oct23-09Mar04 had "Significant Problems" promotion recommendations which withdrew his recommendation for advancement.
4. In view of the above, recommend the petitioner's record remains as is. Additionally due to his last two graded evaluations are "Significant Problems" and he was not recommend for retention, his 12 month agreement to extend enlistment is required to be cancelled in accordance with references (c) and (d).
5. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


C. E. AIMESTILLMAN
Division Director
Enlisted Career Progression

