



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

[Handwritten initials]

HD:hd
Docket No. 11523-09
7 July 2010

[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, in effect, removal of all documentation of or relating to your detachment for cause (DFC) approved on 11 July 2008, removal of the fitness report for 22 September 2007 to 13 May 2008 and modification of the report for 14 May to 25 June 2008 by removing the adverse comment from block 41 ("Comments on Performance").

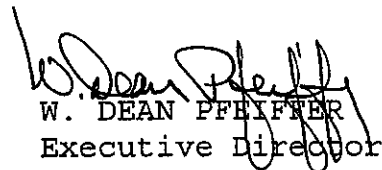
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 July 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 2 December 2009 and 30 March 2010 with attachments and the Memorandum for the Record dated 29 June 2010, copies of which are attached. The Board also considered your letter dated 8 January 2009 (sic) with enclosures.

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 was unable to find your DFC for unsatisfactory performance of duty over an extended period was unwarranted. The Board substantially concurred with the advisory

opinion dated 2 December 2009 in finding the contested fitness report for 22 September 2007 to 13 May 2008 should stand. Concerning the report for 14 May to 25 June 2008, the Board concurred with the advisory opinion dated 2 December 2009 in concluding that this "not observed" report should not include the adverse information that your detachment was "due to substandard performance over an extended period of time." However, since the Board found the DFC documentation reflecting the same adverse information was properly to be filed in your record, the Board concluded its inclusion in your detachment fitness report was a harmless error. 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