



du

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

HD:hd  
Docket No. 12528-09  
25 February 2010

[REDACTED]

[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. You requested removal of your failure of selection by the Fiscal Year 2008 Line Captain Selection Board and consideration by a special selection board with an Officer Summary Record not marked to reflect you had an approved retirement.

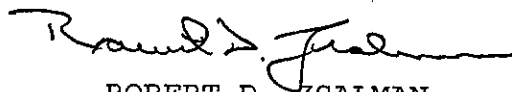
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 February 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 opinion furnished by the Navy Personnel Command dated 11 January 2010 with enclosures, a copy of which is attached. The Board also considered your letter dated 31 January 2010.

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. Concerning your contention of a violation of Department of Defense Instruction 1320.14, paragraph 6.1.3.2., the Board particularly noted you gave no indication of what comments, if any, you would have made, had you been afforded an opportunity to provide written comment about your

approved retirement. Therefore, even if you are correct that the instruction was violated, the Board was unable to find it was a material error that harmed your chances for selection. The Board found that your having an approved retirement was information the promotion board needed to know and, therefore, it was proper for that information to have been provided. Finally, the Board found that annotating your approved retirement on your OSR did not unduly emphasize it, nor did it preclude your selection. 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,



ROBERT D. ZSALMAN  
Acting Executive Director

Enclosure