



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

BAN
Docket No. 00854-10
20 April 2010

[REDACTED]


This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 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. The Board considered the advisory opinion furnished by the Naval Personnel Command (NPC) memo 1430 Ser 811/143 of 17 Mar 10, 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. 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 also 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

1430
Ser 811/143
17 Mar 10

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 19 Jan 09
(b) BUPERSINST 1430.16F

Encl: (1) BCNR File

1. In accordance with references (a) and (b), recommend disapproval of the petitioner's request.
2. The petitioner is requesting to back date his advancement to HM2/E5 to Cycle 203 (Mar 09) examination due to not being allowed to participate in the advancement examination.
3. The petitioner was ineligible to participate in the advancement examination in accordance with reference (b) as he was approved to convert to the SO rating. Additionally, he had commenced school and was not formally dropped from training until 24 Jun 09.
4. In view of the above, recommend the petitioner's record remains as is.
5. This is an advisory memorandum in response to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.

J. L. O'Neill

J. L. O'NEILL
Division Director
Career Administration Division

REC'D APR 15 2010