DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

HD
Docket No. 09583-12
25 March 2013

[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 21 March 2013. 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 19 October 2012 with enclosure, 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, particularly noting that block 51 ("Signature of Individual Evaluated") of the contested report of record shows "COPY PROVIDED," which indicates the command made a good faith effort to notify you that your mark in block 45 ("Promotion Recommendation - Individual") had been lowered from "Early Promote" (best of five possible marks) to "Must Promote" (second best). The Board did not consider it a material error that the entry in block 51 of the report of record was not "certified copy provided," as prescribed by Bureau of Naval Personnel Instruction 1610.10B, enclosure (2), paragraph 14-4 for circumstances where a "[member's] signature [on a report that is not adverse] is required, but is

difficult or impossible to obtain." Finally, the Board was unable to find that the "Summary Group Average" in block 50 should be "3.95," as shown in the report you want substituted for the report of record, rather than "3.92," as shown in the report of record. 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

ROBERT D. ZSALMAN
Acting Executive Director

Enclosures