



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

HD
Docket No. NR6975-13
24 April 2014

Dear Mr. [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. Your previous case, docket number 08435-10, was denied on 4 November 2010.

You again requested that the performance evaluation report for 16 March to 11 December 2009 be removed or modified by deleting the comments from block 43 ("Comments on Performance") and either deleting the mark of "not recommended" in block 47 ("Retention") or changing the mark to "recommended." You again further requested that you be immediately reenlisted with back pay.

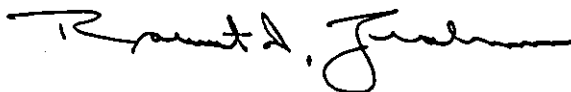
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 24 April 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary 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 5 December 2013, 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 advisory opinion. Without the VRC-30 instruction you say Personnel Support

Detachment Colorado told you provided that only the commanding officer could revoke a member's recommendation for retention, the Board was unable to find that your reporting senior, the administrative officer, did not have the authority to revoke your recommendation for retention. Further, the Board noted that the reenlistment code you were assigned, RE-R1 (recommended for preferred reenlistment) made you eligible for reenlistment. In view of the above, the Board again voted to deny relief. 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