



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

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Docket No: NR1224-14

8 May 2014

LCDR [REDACTED] USN

Dear Commander [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 removing the fitness report for 1 November 2009 to 15 August 2010, removing your failures of selection by the Fiscal Year (FY) 13 and 14 Staff Commander Selection Boards, and granting you consideration by a special selection board for the FY 13 promotion board.

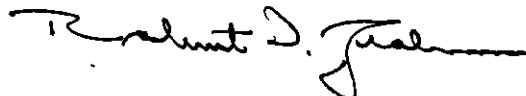
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 May 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary 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 opinions furnished by the Navy Personnel Command dated 13 February 2014 with enclosures and 13 March 2014, copies of which are attached. The Board also considered your letter dated 23 April 2014 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 substantially concurred with the advisory opinion dated 13 February 2014. While the Board did agree with you that Bureau of Naval Personnel Instruction 1610.10B, enclosure (2),

paragraph 15-2a, called for the reporting senior to initial changes made to a rejected fitness report and for the member concerned to be notified of the changes, the Board found the absence of the reporting senior's initials from the contested report and failure to notify you of the changes to the peer group did not invalidate the report. In this regard, the Board particularly noted the reporting senior's statement, in his e-mail of 15 April 2014, that "I am not sure I see your point" and that his "relief assumed responsibility for all Administrative duties as COS [Chief of Staff] and could therefore resolve the discrepancy." The Board was unable to find that any other officer was eligible to be included in your peer group. Finally, the Board noted you are still free to submit a statement to the report at issue expressing your objections to the change in your peer group. The Board found your competitiveness for promotion would not have been enhanced, had your record included a statement from you disclosing that the rejected report had shown you marked one block higher in promotion recommendation than another officer. 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