



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

SMC
Docket No: 08329-98
12 August 1999



Dear Petty Officer [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 12 August 1999. 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. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 10 May 1999, 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. The Board found that the marks of "2.0" (second lowest) in "teamwork" and "leadership" were not inconsistent with the mark of "promotable" and the recommendation for your retention. 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,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
10 MAY 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: HM1 [REDACTED], JR., US [REDACTED]

Ref: (a) BUPERSINST 1610.10

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of his performance report for the period of 16 November 1996 to 13 August 1997.

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record revealed the report in question to be on file. The member signed the report indicating his desire to submit a statement. A statement from the member was received by Pers-322 and found acceptable for file.

b. The member feels that the assigned trait mark of "2.0" in "Teamwork" and "Leadership" is inconsistent with the evaluation comments.

c. The report represents the judgement and appraisal responsibility of the reporting senior for a specific period of time. The marks, comments, and recommendations are at the discretion of the reporting senior, and are not routinely open to challenge.

d. Even though "2.0" trait marks are not required to be justified, the reporting senior comments in block 43, "Petty Officer Geas experienced some difficulties in dealing with junior members within his department, resulting in a page 13 entry." Based on the reporting senior's comment, we feel the assigned trait mark of "2.0" in "Teamwork" and "Leadership" is appropriate.

Subj: HM [REDACTED] TR., US [REDACTED]

e. The member does not prove the report to be unjust or in error.

3. We recommend retention of the report as written.

[REDACTED]

Head, Performance
Evaluation Branch