



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

HD:hd
Docket No: 07787-98
19 October 1999

LCDR [REDACTED] USN
[REDACTED]
[REDACTED]

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 that the results of the Fiscal Year (FY) 99 Executive Officer (XO) Screening Board be amended to add your name to the list of nuclear submarine officers recommended for XO, and that your nuclear qualifications and eligibility for special pays be restored.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 October 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 opinions furnished by the Navy Personnel Command dated 16 April and 21 May 1999, copies of which are attached. The Board also considered your letters dated 5 July 1999 with enclosures and 9 August 1999 with enclosure.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish probable material error or injustice. They particularly noted you were not successful before the FY 00 XO Screening Board, before which your record was complete. They observed you should have ensured all material you considered important was available to the FY 99 board. You offer nothing to show you tried to have your reporting senior submit the administrative change letter in time for the FY 99 board to consider it. The Board was unable to find that the FY 99 board improperly dealt with year group 86 officers to the detriment of year group 87 officers; that your reporting senior's interpretation of new fitness report guidance was out of line with that of other commanding officers; or that the FY 99 board viewed your two sea tours in Bangor, Washington as "too geographically stale," despite precept guidance to the contrary. Since the Board was unable to find you were improperly considered by the FY 99 XO Screening Board, they had no basis to restore your nuclear qualifications or eligibility for special pays.

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

Enclosures



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

1610
NPC-311
16 April 1999

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

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

Subj: LCDR [REDACTED] JR., USN [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to change his fitness report for the period 1 February 1998 to 14 April 1998.

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

a. A review of the member's headquarters' record revealed the fitness report in question and the fitness report administrative change letter to be on file. The report is signed by the member acknowledging the contents of the report and his right to submit a statement. The member chose not to make a statement. In accordance with reference (a), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement.

b. The reporting senior's letter changes block-28, and block-41.

c. We provide the reporting senior with the facility to add material to fitness reports already on file. The reporting senior's letter is filed next to the report in question.

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

3. We recommend the member's record remain unchanged.

[REDACTED SIGNATURE]

Head, Performance
Evaluation Branch

7787-98



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

1610
Ser 421A/1879
21 May 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: NPC/BCNR Coordinator (PERS-00ZCB)

Subj: BCNR REQUEST ICO LCDR [REDACTED]
1100/1120

Encl: (1) BCNR File Case Number 07787-98

1. Enclosure (1) has been reviewed and is returned.
2. Under separate correspondence, [REDACTED] requested and was granted an additional Executive Officer (XO) screening opportunity on the FY 00 Submarine CO/XO Screening Board. All information contained in enclosure (1), which was stated by LCDR [REDACTED] missing for the FY 99 CO/XO Screening Board, was included in [REDACTED] record before the board. Two separate assistant board recorders verified this prior to the commencement of the board.
3. [REDACTED] was placed "Not Cleared for Executive Officer" by the FY00 Submarine CO/XO Screening Board. This official screening status should remain.
4. My point of contact in this matter is LCDR [REDACTED]
[REDACTED]

[REDACTED]

Captain, U.S. Navy
Deputy Director, Submarine/Nuclear
Power Distribution Control
Division