



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

SMC  
Docket No: 00798-99  
28 October 1999

HMCS [REDACTED] JR USNFR  
[REDACTED]  
[REDACTED]

Dear Senior [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 your fitness report for 16 September 1997 to 15 September 1998 be amended to show "NOT PERF [not performed]," vice "98FEB19 in block 30 (date mid-term counseling conducted); and in block 31 (counselor), a blank or, if required, a brief explanation from the reporting senior or his designee of why mid-term counseling was not performed.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 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 opinion furnished by the Navy Personnel Command dated 2 June 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. 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**

798-99

1610  
PERS-311  
2 JUN 99

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

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

Subj: HMCS [REDACTED] USN, [REDACTED]

Ref: (a) BUPERINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification of his fitness report for the period 16 September 1997 to 15 September 1998.

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 to the report is on file.

b. The member alleges that the data contained in blocks 30 and 31 of his fitness report is false. The member alleges that the stated performance counseling did not take place in verbal or written form.

c. [REDACTED] provides with his petition a copy of an e-mail from him, addressed to the Senior [REDACTED] requesting a copy of the mid-term counseling form of 19 February 1998. [REDACTED] stated that the Senior [REDACTED] could not provide him with a copy of the counseling form. The fact that the Senior [REDACTED] could not provide the member with a copy of the mid-term counseling form does not indicate that counseling did not occur. The Senior [REDACTED] states in his response to HMCS [REDACTED] that he and [REDACTED] performed his counseling on 19 February 1998 during a visit to the clinic. [REDACTED] further states in his response, the general issues that were discussed during the counseling session with the member.

d. Counseling on performance is mandatory in accordance with reference (a), Annex C. Use of the evaluation form is

(3) A2

Subj: HMCS [REDACTED] USN [REDACTED]

encouraged; however, counseling may occur in different ways and written documentation of counseling is not required.

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

3. We recommend written of the report as written

[REDACTED]

Head, Performance  
Evaluation Branch