



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

TRG
Docket No: 992-01
19 December 2002

[REDACTED]

[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 17 December 2002. 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.

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.

You enlisted in the Navy on 5 July 1966 and served in an outstanding manner until 1 April 1981. During this period, you were advanced to senior chief petty officer. You were commissioned an ensign on 2 April 1981, continued to serve in an outstanding manner and, on 1 February 1991, you were promoted to lieutenant commander. You retired on 1 April 1993.

On 12 May 1994, the Secretary of the Navy issued you a "Secretarial Letter of Censure" for sexual harassment of a female lieutenant, and for creating a hostile work environment after she made allegations against you. You pointed out in your rebuttal of 18 May 1994 that you had performed almost 27 years of outstanding service, and issuance of the Letter of Censure two years after your retirement constituted retribution that could only destroy your life should it be made public. You admitted to an unspecified mistake that resulted in a letter of instruction. Concerning the allegation of a hostile work environment, you stated that the officer in question "created her own hostile environment by not only making public her "actions to get everyone involved" but to portray me and others as some sort of cabal 'out to get her' ". The Board noted that contentions in the

attachment to your application, which essentially echo the allegation in the rebuttal to the letter of censure. You also contend that the Letter of Censure has been "leaked" to the detriment of your family and career. However, the Board is aware that the Navy Inspector General found the sexual harassment charge against you to be substantiated, and this finding apparently resulted in the issuance of a letter of instruction. It is clear that the Secretary of the Navy has the authority to issue a Letter of Censure in cases such as yours. Although not privy to any staff input leading to the decision to issue the Letter of Censure, the Board believed that the decision to issue the letter would not have been made unless the Secretary was convinced that it was necessary. Additionally, Navy regulations that do not require removal of such a letter based solely on the passage of a period of time. The Board thus concluded that the Letter of Censure was properly issued and that there is no evidence of an abuse of discretion in this matter.

Concerning your contention that the Letter of Censure has been "leaked", information in your service record could not be released outside the Department of the Navy without your authorization. There is no evidence that an unauthorized release has occurred. In this regard, you may have signed a release as a part of a background investigation required by your employer.

Accordingly, 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