



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 2382-00

7 September 2000

MAJ [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Major [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 30 August 2000. 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 Headquarters Marine Corps, dated 2 May 2000, a copy of which is attached. They also considered your undated rebuttal letter 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 comments contained in the advisory opinion in finding that your selection by the Fiscal Year 2001 Lieutenant Colonel Selection Board would have been definitely unlikely, even if your record had not included the later removed fitness report for 17 August to 31 October 1998. 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
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

2382-00

IN REPLY REFER TO:

1600
MMAA-4
2 May 00

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

Subj: BCNR PETITION FOR [REDACTED]
[REDACTED] USMC

Ref: (a) MMR Request for Advisory Opinion in the case of
Major [REDACTED] USMC of
28 Apr 00

1. Recommend disapproval of Major [REDACTED] request for removal of his failure of selection.
2. Per the reference, we reviewed Major [REDACTED] record and petition. Major [REDACTED] failed selection on the FY01 USMC Lieutenant Colonel Selection Board. Subsequently, he successfully petitioned the Performance Evaluation Review Board (PERB) for removal of the End of Service fitness report of 880817 to 881031. [REDACTED] requests removal of his failure of selection.
3. In our opinion, the petitioned report *does* present competitive concern to the record. However, [REDACTED]'s record has one other area of serious competitive concern that more than likely led to his failure of selection.
 - a. **Recruiting Station (RS) Command Tour.** Major [REDACTED] has ten officers ranked above him and zero below, placing him at the bottom of his peer group. Additionally, his first fitness report as a RS Commander contains less competitive Section B marks in Administrative Duties and Training Personnel. Beyond the RS Commander time, Major [REDACTED] has only two fitness reports as a major, both of which were one of one.
4. In summary, the petitioned report *does* present competitive concern to the record. However, Major [REDACTED] has one other area of serious competitive concern that more than likely led to his failure of selection. Therefore, we recommend disapproval of Major [REDACTED] request for removal of his failure of selection.

Subj: BCNR PETITION FOR MAJOR [REDACTED]
[REDACTED] USMC

5. Point of contact is [REDACTED], [REDACTED]

[REDACTED]

Lieutenant Colonel, U. S. Marine Corps
Head, Officer Career Counseling and
Evaluation Section
Officer Assignments Branch
Personnel Management Division