



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

BJG
Docket No: 3811-01
10 October 2001

MA [REDACTED] MC
[REDACTED]
[REDACTED]

De [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.

Your request to adjust your lieutenant colonel date of rank and effective date to reflect selection by the Fiscal Year (FY) 2002 Lieutenant Colonel Selection Board was not considered, as you have not been selected for or promoted to lieutenant colonel.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 September 2001. 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 report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), dated 7 May 2001 with two enclosures, and the advisory opinions from the HQMC Promotion Branch, dated 24 May 2001, and the HQMC Officer Assignment Branch, Personnel Management Division, dated 6 August 2001, copies of which are attached. They also considered your rebuttal letters dated 6 July 2001 with enclosures, 16 July 2001 with enclosure, and 28 August 2001.

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.

The Board substantially concurred with the comments contained in the report of the PERB in finding no correction of your fitness report record to be warranted. The absence, from the reporting senior's 27 April 2001 memorandum for the record, of any comment on the issue of alteration of your ranking did not persuade the Board that your correct ranking was other than "5 of 5." They were unable to find the ranking was other than "5 of 5" when the

reviewing officer reviewed it, noting that the reviewing officer's letter of 25 June 2001 (enclosure (2)) to your letter of 6 July 2001) stated that he could not recall with certainty what marks the reporting senior had entered, nor could he recall saying to you that he would have questioned a "5 of 5" ranking. Finally, the Board was unable to find that the "5 of 5" ranking was based on the results of a supply account inquiry which led to no official action against you.

Since the Board found no defect in your performance record, and they were unable to find that the reporting senior could not consider you fairly in his capacity as a member of the FY 2002 Lieutenant Colonel Selection Board, they had no basis to strike your failure of selection by that promotion board, or to recommend your consideration by a special selection board.

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