



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

BJG  
Docket No: 4333-01  
6 September 2001

*BJG*

MA [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear [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 6 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 advisory opinions furnished by Headquarters Marine Corps dated 17 and 25 July 2001, copies of which are 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 opinions to the effect that your photograph would not have been material to the portrayal of your record before the Fiscal Year 2001 Major Selection Board. 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

Enclosures



DEPARTMENT OF THE NAVY  
 HEADQUARTERS UNITED STATES MARINE CORPS  
 MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
 HARRY LEE HALL, 17 LEJEUNE ROAD  
 QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1412/2

MMPR

JUL 17 2001

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

Subj: BCNR APPLICATION IN THE CASE OF MAJOR [REDACTED]  
 [REDACTED] USMC

Ref: (a) MMER Route Sheet of 10 Jul 01  
 (b) CMC memo for SECNAV dtd 16 Jun 00

1. Reference (a) requested an advisory opinion in the case of Major [REDACTED]. Major [REDACTED] is requesting removal of failure of selection for the FY01 USMC Major Promotion Selection Board that convened on 991026. Further, Maj [REDACTED] is requesting back date of rank and effective date of promotion to major.

2. The following facts are germane:

a. Major [REDACTED] was eligible, as an in zone officer, and failed of selection on the FY01 USMC Major Promotion Selection Board, which convened on 991026.

b. Major [REDACTED] was subsequently considered and selected, as an above zone officer, on the FY02 USMC Major Promotion Selection Board, which convened on 001030. He was promoted to major on 010301.

c. Since [REDACTED] was selected for promotion to major, the failure of selection to major would have no impact on future promotion eligibility. Failures of selection do not transfer between grades and competitive categories.

d. Per reference (b), [REDACTED] requested a Special Selection Board on 000222 based on the absence of a photograph before the board.

e. The Secretary of the Navy disapproved his request on 000814 based on the following:

(1) Although the photograph was not provided to the board, it was not material to a fair and accurate portrayal of his career.

Subj: BCNR APPLICATION IN THE CASE OF MAJOR [REDACTED]  
[REDACTED] CMC

(2) Major [REDACTED] failed to exercise reasonable diligence to personally ensure his material had been received prior to the date the board convened.

3. Promotion Branch recommends disapproval of the request for removal of the failure of selection, since the failure of selection will have no effect on future promotion eligibility or consideration. Based on the facts in reference (b), Promotion Branch recommends disapproval of Major [REDACTED]'s request for back-dating. If Major [REDACTED]'s request is approved, his date of rank would be 000301.

4. The point of contact in this matter is Chief Warrant Officer [REDACTED]

[REDACTED]

Deputy, Promotion Branch



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

4333-01

IN REPLY REFER TO:

1600  
MMA-4  
25 Jul 01

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

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

Ref: (a) MMER Request for Advisory Opinion in the case of  
Major [REDACTED]  
USMC of 10 Jul 01

1. Recommend disapproval of [REDACTED] request for removal of his failure of selection and backdating his date of rank.
2. Per the reference, we reviewed [REDACTED] record and petition. [REDACTED] failed selection on the FY-01 USMC Major Selection Board. After the timely submission of a photograph, he was selected for promotion as an above zone officer on the FY-02 USMC Major Selection Board. [REDACTED] requests removal of his failure of selection and backdating his date of rank.
3. In our opinion [REDACTED]'s record, as it appeared before the boards, was complete, accurate, and provided a fair assessment of his performance. The photograph was not material to a fair and accurate portrayal of his performance on the first selection board. His additional year of documented performance likely contributed to his selection to Major on the subsequent board. Therefore, we recommend disapproval of [REDACTED] request for removal of his failure of selection.

4. POC is [REDACTED]

[REDACTED]  
Colonel, U. S. Marine Corps  
Head, Officer Assignment Branch  
Personnel Management Division