



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

LCC:ddj
Docket No: 7908-01
27 November 2001

[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 27 November 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 opinion furnished by CMC memorandum 1400/3 MMR 2 of 13 November 2001, 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. 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

Enclosure



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

IN REPLY REFER TO:

1400/3

MMPR-2

13 Nov 01

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

Subj: ADVISORY OPINION IN THE CASE OF GUNNERY [REDACTED]

Ref: (a) BCNR Memo of 5 Nov 2001
(b) Yr msg 141414Z Jun 00
(c) Yr ltr 1400 Admin of 14 Jun 00
(d) MCO P1400.32C

1. In reference (a) we were asked to provide an advisory opinion on Gunnery Sergeant [REDACTED]'s request for remedial consideration for promotion to master sergeant.

2. Gunnery Sergeant [REDACTED] was selected by the CY 1999 Reserve Staff Noncommissioned Officer Selection Board. Before his seniority number was reached on 1 July 2000, Gunnery Sergeant [REDACTED] requested his name be removed from the master sergeant promotion list (references b & c) and he transferred to the Fleet Marine Corps Reserve (FMCRR). Per paragraph 3103.6 of reference (d), Marines refusing to extend or reenlist to have sufficient obligated service, will have their names removed from the appropriate selection list and the Marine will become ineligible for promotion consideration in the future. Per his request, Gunnery Sergeant [REDACTED]'s name was removed from the master sergeant promotion list.

3. We recommend that Gunnery Sergeant [REDACTED] not receive promotion to master sergeant.

4. Point of contact at this command is [REDACTED]
at DSN: 278-9710 or COMM: (703) 784-9710.

[REDACTED]

Major, U.S. Marine Corps
Head, Enlisted Promotion Section
By direction of
the Commandant of the Marine