



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

LCC:lc
Docket No: 6715-02
24 September 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 24 September 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. In addition, the Board considered the advisory opinion furnished by CMC memorandum, 1400/3 MMPR-2, 9 September 2002, 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
9 Sept 02

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

Subj: ADVISORY OPINION IN THE CASE OF GUNNERY SERGEANT


Ref: (a) BCNR Docket No: 06715-02 dtd 23 Jul 02
(b) Enlisted Promotion Manual (MCO P1400.32C)

1. Per reference (a), Gunnery Sergeant  requests information concerning the reason for his non-selection to gunnery sergeant by the CY 1999, CY 2000, and CY 2001 Gunnery Sergeant Selection Boards.
2. The confidentiality of the selection board process precludes knowing the exact reasons why Gunnery Sergeant  was not selected by the CY 1999, CY 2000, or CY 2001 Gunnery Sergeant Selection Boards. It can only be inferred that based upon a majority vote of the board members, his record was not competitive with the records of the Marines selected for promotion. This does not mean Gunnery Sergeant  is not a fine Marine. He serves in a highly competitive occupational field. The competition in the 0369 MOS is very keen, and he simply did not get enough votes.
3. I regret that a more favorable response is unavailable.


Major, U.S. Marine Corps
Head, Enlisted Promotion Section