



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

LCC:ddj
Docket No: 7773-02
5 November 2002

[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 5 November 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 MMPR 2 of 17 October 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
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1400
MMPR-2
17 Oct 02

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

Subj: CONGRINT ICO STAFF SERGEANT [REDACTED], USMC;
PROMOTION CONCERNS

Ref: (a) OLAC Control Number 021001012
(b) MCO P1400.32C, ENLPROMMAN

1. Per reference (a), Staff Sergeant [REDACTED] requests remedial promotion consideration to gunnery sergeant for the CY 1998, CY 1999, CY 2000, and CY 2001 Gunnery Sergeant Selection Boards. Staff Sergeant [REDACTED] believes he was not selected due to medical information in his record.
2. Research of selection board records indicate Staff Sergeant [REDACTED] was properly considered for promotion by the CY 1998, CY 1999, CY 2000, and CY 2001 Gunnery Sergeant Selection Boards. Staff Sergeant [REDACTED] was not selected for promotion by any of these boards.
3. The confidentiality of the selection board process precludes knowing the exact reasons why Staff Sergeant [REDACTED] was not selected. 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. Staff Sergeant [REDACTED] simply did not get enough votes.
4. Per paragraph 1203.4 of reference (b), the enlisted promotion system does not have a medical prerequisite for promotion selection and board members are not provided with duty limitation code information. Staff Sergeant [REDACTED] request does not satisfy the criteria contained in paragraph 3602 of reference (b). Staff Sergeant [REDACTED] is not eligible for remedial promotion.

Subj: CONGRINT ICO. [REDACTED]

5. Staff Sergeant [REDACTED] was counseled on 24 January 2000, by Master Sergeant [REDACTED] of the Career Counselors Office.

6. I regret a more favorable response is unavailable.

[REDACTED]

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