



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

LCC:ddj  
Docket No: 7923-02  
19 November 2002

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 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 1400/3 MMPR 2 of 25 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:

1400/3  
MMPR-2  
25 Oct 02

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

Subj: ADVISORY OPINION ICO STAFF SERGEANT [REDACTED]  
[REDACTED]

Ref: (a) BCNR ltr CRS Docket No: 07923-02 dtd 20 Aug 02  
(b) Enlisted Promotion Manual (MCO P1400.32C)

1. Per reference (a), Staff Sergeant [REDACTED] requests a remedial promotion to gunnery sergeant.

2. A review of Staff Sergeant [REDACTED]'s records show he was considered by the CY 1995, CY 1996, CY 1997, CY 1998, and CY 1999 Gunnery Sergeant Selection Boards. He was not selected by any of those boards. 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.

3. Per reference (b), incorrect information in the OMPF is not grounds for a remedial consideration. It is the Marine's responsibility to check their record prior to the convening date of a selection board. Also, Marines transferred to the retired list are not eligible for remedial promotion consideration.

4. Recommend Staff Sergeant [REDACTED]'s request for promotion to Gunnery Sergeant be disapproved.  
[REDACTED]

Major, U. S. Marine Corps  
Head, Enlisted Promotions