



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

BJG  
Docket No: 6669-03  
20 October 2003

COL [REDACTED] USMCR  
[REDACTED]  
[REDACTED]

Dear Colonel [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.

You requested adjustment of your colonel date of rank and effective date to reflect selection by the Fiscal Year (FY) 2002 Reserve Colonel Selection Board, rather than the FY 2004 Reserve Colonel Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 October 2003. 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. The Board also considered its file on your previous case, docket number 10443-02. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 8 September 2003, and the memorandum for the record dated 15 October 2003, copies of which are attached. Finally, the Board considered your electronic mail dated 14 October 2003.

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.

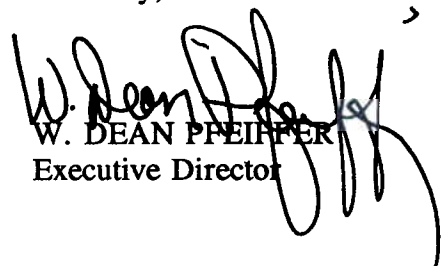
The Board recognized you were selected by the first promotion board to consider you after your record was corrected; and they further recognized that in your previous case, the same office that provided the unfavorable advisory opinion on your current case stated "It is likely [your] competitiveness for promotion would have been considerably improved if [the fitness report from which the reviewing officer marks and comments were removed] was not in [your] record." The Board also understood that the issue in your case is not to determine why you were selected by the FY 2004 promotion board, or whether the removed material

was the sole or significant factor contributing to your failures of selection by the FY 2002 and 2003 promotion boards; rather, it is to determine whether your selection would have been probable, had you enjoyed the benefit of a corrected record. However, the Board was unable to find your selection by either the FY 2002 or 2003 Reserve Colonel Selection Board would have been probable, had your record been corrected.

In view of the above, 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

6669-03



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

IN REPLY REFER TO:

1600  
CMT  
8 Sep 03

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

Subj: RESERVE AFFAIRS ADVISORY OPINION ON BCNR APPLICATION;  
CASE OF COLONEL [REDACTED] USMCR

1. We have reviewed Colonel [REDACTED] request for adjustment of date of rank, lineal precedence number, and pay/allowances based on previous board non-selections and subsequent selection on the FY04 board. We recommend disapproval of all requests based on the following rationale.

BJ

2. While it appears that Colonel [REDACTED] submitted adequate material for the FY02-04 boards, it should be noted that during the FY04 board on which she was selected for promotion, there were an additional four fitness reports covering the period from 30 Mar 2001-30 Nov 2002 that were not part of her record when she was originally in zone. <sup>reviewing officer marks and comments were</sup> CMT cannot substantiate that the removed ~~fitness report~~ was the sole or significant contributing factor for failures of selection during the FY02 or FY03 board or its removal constituted the reason for selection during FY04 and therefore does not recommend the adjustment of the requested items.

3. Point of contact is Maj [REDACTED] per at [REDACTED]

[REDACTED]

By direction

DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)  
PERFORMANCE SECTION  
2 NAVY ANNEX, SUITE 2432  
WASHINGTON, DC 20370-5100  
TELEPHONE: (703) 614-2293 OR DSN 224-2293  
FACSIMILE: (703) 614-9857 OR DSN 224-9857

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MEMORANDUM FOR THE RECORD

DATE: 15OCT03

DOCKET NO: [REDACTED]

PETITIONER (PET): [REDACTED] USMCR

PERSON I CALLED: [REDACTED], HQMC MMPR-1

WHAT I SAID: I ASKED [REDACTED] WHAT PET'S CURRENT DOR AND EFF IS, AND WHAT DOR AND EFF DATE SHE WOULD HAVE BEEN ASSIGNED HAD SHE BEEN SEL BY THE FY-02 USMCR COL SEL BD.

WHAT PARTY SAID: [REDACTED] STATED THAT PET'S CURRENT DOR AND EFF DATE IS 1JUL03, AND HER DATE OF RANK AND EFF DATE WOULD HAVE BEEN 1OCT01 HAD SHE BEEN SEL BY THE FY-02 SEL BD.

COMMENTS: N/A

*B. George*  
BRIAN J. GEORGE