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

BJG

Docket No: 4273-07

20 June 2008

[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.

You requested that the date of rank and effective date of your promotion to staff sergeant be adjusted to reflect selection by the Fiscal Year (FY) 2005 Staff Sergeant Selection Board, vice the FY 2006 Staff Sergeant Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 June 2008. 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 opinions from Headquarters Marine Corps dated 3 December 2007 and 4 April 2008, and the memorandum for the record (MFR), dated 16 June 2008, copies of which are attached. The Board also considered your undated rebuttal letter with enclosures.

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 dated 4 April 2008 in finding your selection by the FY 2005 Staff Sergeant Selection Board would have been definitely unlikely, even if your record had not included the later removed service record page 11 entry dated 14 February 2005. Further, in light of the MFR, the Board particularly noted that you were selected with an uncorrected record. 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