



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

JSR

Docket No: 09757-07

15 May 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.

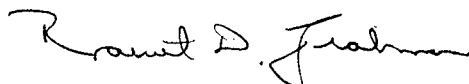
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 May 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 opinion from Headquarters Marine Corps, dated 13 December 2007, a copy of which is attached, and your undated reply.

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 particularly noted that your request for voluntary retirement dated 16 February 2004 (exhibit 8 to your application), paragraph 2, says "If this request is approved, I understand that a board of inquiry (BOI) will not be convened to make a recommendation to the Secretary of the Navy on retirement grade." The Board observed you reiterated this understanding in paragraph 2 of the modification of your request

for voluntary retirement dated 3 May 2004 (exhibit 12 to your application), where you also expressly requested retirement in the grade of Chief Warrant Officer 2. Finally, the Board was unable to find your request for retirement was contingent on your not being considered by a board of inquiry (BOI) at all. 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,



ROBERT D. ZSALMAN
Acting Executive Director

Enclosure