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

BJG  
Docket No: 2503-08  
16 January 2009

[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.

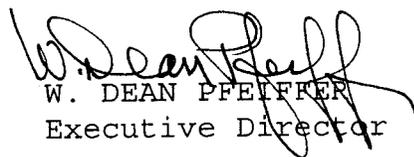
You requested, in effect, retroactive promotion to master gunnery sergeant from the Fiscal Year (FY) 2004 Reserve Master Gunnery Sergeant Selection Board. You also requested that your retirement date of 1 September 2005 be changed.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 January 2009. 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 25 June 2008, a copy of which is attached. The Board also considered your rebuttal letter dated 18 July 2008 with enclosures and the letter dated 2 December 2008 on your behalf from Lieutenant Colonel A---, United States Marine Corps Reserve (Retired).

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, except to note you were not considered by the FY 2004 Reserve Master Gunnery Sergeant Selection Board, but were considered and not selected when afforded remedial consideration for that promotion board. The Board found the promotion restriction by reason of your administrative separation proceedings did not affect your remedial consideration for promotion. The Board found that enclosure (1) to your application, reflecting that on 11 February 2005 you were approved for a reenlistment of 24 months, did not support changing the retirement date of 1 September 2005 established pursuant to this Board's corrective action, docket number 5674-07. 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

Enclosure