

JSR



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

JSR  
Docket No: - 3898-08  
2 October 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, in effect, consideration by a special selection board (SSB) for the Fiscal Year (FY) 2007 Chief Warrant Officer 3 (CWO3) Selection Board, so that if you are selected, your CWO3 date of rank and effective date will be adjusted to reflect selection by the FY 2007 CWO3 Selection Board, rather than FY 2008. You are not eligible for SSB consideration, as you have been promoted to CWO3, therefore your application has been treated as a request to adjust your CWO3 date of rank and effective date to reflect selection by the FY 2007 CWO3 Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 October 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 the Headquarters Marine Corps (HQMC) Counseling Section (MMOA-4) dated 7 August 2008 and the e-mails

(two) from the HQMC Officer Promotion Section (MMPR-1) dated 14 August 2008, copies of which are 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 light of the statistical information provided in the advisory opinion from MMOA-4 concerning the FY 2007 CW03 Selection Board, the Board was unable to find it is probable you would have been selected by that promotion board, had your record properly reflected your professional military education. 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  
3280 RUSSELL ROAD  
QUANTICO, VA 22134-5103

IN REPLY REFER TO:  
1600  
MMAA-4  
7 Aug 08

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

Subj: BCNR PETITION FOR [REDACTED]

Ref: (a) MMER Request for Advisory Opinion in the case of  
[REDACTED]  
of 26 Jun 08

1. Recommend disapproval of [REDACTED] request that his Date of Rank be adjusted to reflect promotion on the FY2007 CWO Board.

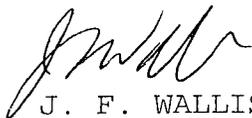
2. Per the reference, we reviewed [REDACTED] petition. [REDACTED] failed selection on the FY07 CWO Board to CWO3 but was subsequently promoted on the FY08 Board. [REDACTED] was in zone for the FY07 Board and contends that not having his Warfighting PME certificate in his OMPF impaired his competitiveness on that board. On that particular board there were 10 eligible for promotion and only 8 were promoted. [REDACTED] shows that he communicated with the President of the FY2006 Board when he was below zone and enclosed a letter from CCE/MCU that stated he had completed the Warfighting PME and was thus PME complete. He does not show that he presented this same information to the FY2007 Board.

3. In our opinion, the fact that his Warfighting PME certificate was not in his OMPF or on his MBS would show that he is not PME complete and could cause a board to pass him over for selection. [REDACTED] contends that the Warfighting PME certificate was at HQMC in 2005 because he submitted them to the FY06 Board. Information submitted to a board does not go into a Marines Official Record. [REDACTED] seems to imply that it is the responsibility of HQMC to submit his certificates into his OMPF. It is the responsibility of the Marine to review their MBS and OMPF and ensure that all pertinent certificates or letters are submitted.

4. In summary, [REDACTED] failure for selection on the FY07 CWO Board might well have been because the Board was unaware he was PME complete. But there may well have been other reasons he was not promoted and as already stated it was [REDACTED] responsibility to make sure the Board was aware that he was PME complete.

Subj: BCNR PETITION [REDACTED]

5. POC is LtCol Frances Poletto at (703) 784-9281.



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Lieutenant Colonel, USMC  
Counseling Section MMOA-4