



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

BJG
Docket No: 4433-08
16 April 2009

[REDACTED]

[REDACTED]

This is in reference to your three applications, two dated 27 December 2007 and one dated 22 February 2008, for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

You are seeking reconsideration of your previous application, docket number 7865-05, to remove the fitness report for 1 March to 30 June 2005 and the service record page 11.c ("Administrative Remarks (1070)") entry dated 20 April 2005, denied on 18 May 2006. You also submit a new application for restoration to the Fiscal Year 2005 Enlisted to Warrant Officer Selection List.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 April 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, and your prior case file. In addition, the Board considered the advisory opinions from the Headquarters Marine Corps (HQMC) Manpower Information Operations, Manpower Management Information Systems Division (MIO), dated 16 April 2008 with enclosure, and the HQMC Military Law Branch, Judge Advocate Division (JAM3), dated 28 April 2008,

and the report of the HQMC Performance Evaluation Review Board (PERB) dated 29 May 2008, copies of which are attached. The Board also considered your rebuttal letter dated 13 August 2008.

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 opinions from MIO and JAM3 and the report of the PERB. 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

Enclosures