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

BJG
Docket No: 4990-08
31 July 2008

[REDACTED]

[REDACTED]

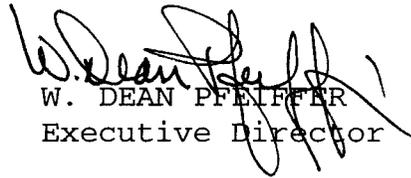
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 July 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 16 June 2008, a copy of which is attached. The Board also considered your rebuttal dated 25 July 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 opinion. 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, VIRGINIA 22134-5103

IN REPLY REFER TO:
1600
CMT

JUN 16 2008

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

Subj: RESERVE AFFAIRS DIVISION ADVISORY OPINION ON BCNR
APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) DD Form 149 dtd 18 Aug 06
(b) DD Form 149 dtd 21 May 08
(c) BCNR request for advisory opinion, docket #04990-08
(d) Review of Naval Record, case of docket #04948-07
(e) SECNAVINST 1920.6C
(f) MCO P1001R.1J
(g) MARADMIN 303/08
(h) DoD Directive 1235.13
(i) Title X, Subtitle E, Part III, Chapter 1401

1. Per reference (b) and (c), we have reviewed [REDACTED] request that his date of rank for LtCol be back dated to reflect FY08 selection and promotion.

2. After further reviewing [REDACTED] record, and in accordance with references (a)-(i), we recommend that [REDACTED] date of rank and pay remain unaltered. To approve of this request would be to assume that the FY08 Promotion Board would have promoted SNO with one unsat year in the IRR and no activity from 2002 until 2005 (being in the ISL). We cannot make that assumption. The Promotion Board is given special trust and confidence to promote the most qualified marines that are eligible for promotion at that time.

3. Point of contact at Reserve Affairs is Major Shannon Hubacher at commercial (703)784-0517 or DSN 278-0517.

Shannon J. Hubacher
S. L. HUBACHER
By direction