



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

JSR
Docket No: 5058-08
11 September 2008

[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 11 September 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 (HQMC) dated 23 June 2008 and the memorandum for record dated 19 August 2008, copies of which are attached, and your letter dated 5 August 2008 with enclosures.

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 your request was not for remedial consideration for promotion to master sergeant, but adjusting the date of rank and effective date of your promotion to reflect selection by the Fiscal Year (FY) 2007 Master Sergeant Selection Board, rather than FY 2008.

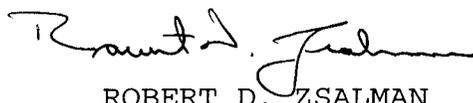
The Board noted your Master Brief Sheet (MBS) for the FY 2007 Master Sergeant Selection Board (convened on 17 October 2006)

did reflect, as the advisory opinion stated, two gunnery sergeant fitness reports with cumulative relative values below 86.66: 15 March to 30 June 2005 (82.80) and 30 September to 15 November 2005 (86.02). The Board further noted that according to the correspondence of 18 March 2008 from the HQMC Performance Evaluation Review Board (PERB), the fitness report whose section K (reviewing officer marks and comments) PERB directed removing was for 4 February to 23 April 2004 (GC (grade change)), a report not listed on the MBS of 5 November 2007 you provided, rather than for 3 September 2003 to 9 April 2004 (CH (change of reporting senior)), the report from which you wanted the section K removed. The memorandum for the record verifies that the report you wanted corrected is the one that actually was corrected. Finally, as a related matter, the Board particularly noted that your fitness report record was uncorrected when you were considered and selected by the FY 2008 Master Sergeant Selection Board, convened on 16 October 2007.

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