



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

JSR
Docket No: 6973-08
30 July 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 removing the HQMC APS 1650 (EF) reflecting disapproval of the recommendation that you be awarded the Navy and Marine Corps Commendation Medal. You also requested remedial consideration for the Fiscal Year 2009 Marine Corps Reserve (Active Reserve) Chief Warrant Officer 5 (CW05) Selection Board and, by implication, removal of your failure of selection by that promotion board.

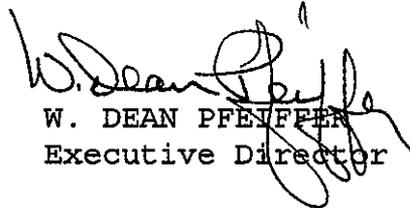
It is noted that Headquarters Marine Corps (HQMC) has removed the contested HQMC APS 1650 (EF) from your naval record.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 July 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 opinions from HQMC dated 23 October 2008 with enclosure (3) and 26 February and 26 May 2009, copies of which are attached, and your letter dated 3 April 2009.

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 advisory opinions dated 26 February and 26 May 2009 in concluding you did not exercise due diligence. Accordingly, your application for relief beyond that effected by HQMC 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 PFEFFER
Executive Director

Enclosure