



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

JSR
Docket No: 7198-08
11 December 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 consideration by a special selection board for the Fiscal Year (FY) 2007 Lieutenant Colonel Selection Board, before which you were in an above-zone status, or promotion to lieutenant colonel as if selected by the FY 2007 Lieutenant Colonel Selection Board.

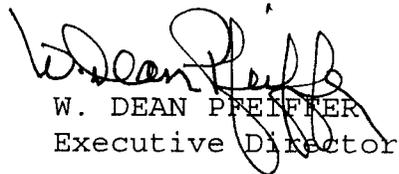
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 December 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, the Board's files on the cases of another Marine officer of the same name and middle initial as yours (docket numbers 1029-06 and 3637-07), your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion from Headquarters Marine Corps dated 10 September 2008, a copy of which is attached, and your counsel's letter dated 7 December 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. Concerning the other officer with the same name and middle initial as yours, whose in-zone failure of selection by the FY 2007 Lieutenant Colonel Selection Board this Board directed removing, the Board found this relief was granted on the erroneous basis that his record considered by the FY 2007 promotion board did not include his update materials. 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,


W. DEAN PFEIFFER
Executive Director

Enclosure

Copy to:
