



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

JSR  
Docket No: 7373-08  
4 June 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 adjusting your gunnery sergeant date of rank and effective date from 1 July 2005 to reflect selection by the Calendar Year (CY) 2000 Gunnery Sergeant Selection Board, rather than the Fiscal Year (FY) 2005 Gunnery Sergeant Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 June 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, the Board's file on your prior case (docket number 3061-04), your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion from Headquarters Marine Corps (MMPR-2) dated 19 September 2008 and the MMPR-2 e-mail dated 4 June 2009, copies of which are attached, and your letter dated 27 May 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

concluded with the comments contained in the advisory opinion in concluding that backdating to neither CY 2000, CY 2001, CY 2002, CY 2003 or FY 2004 was warranted, as it was unable to find your selection by any of these promotion boards, even with a record corrected by removal of the service record page 11 ("Administrative Remarks (1070)") entry dated 25 September 1996, would have been probable. In this regard, the Board noted that your request to remove the service record page 11 entries dated 16 May and 10 October 1996 was denied, so these entries were properly in your record for all the promotion boards by which you failed of selection. 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