

aw



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

JSR
Docket No: 7403-08
16 July 2009

[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 adjustment of your master sergeant date of rank and effective date from 1 April 2008 to reflect selection by the Fiscal Year (FY) 2007 Master Sergeant Selection Board, rather than the enlisted remedial selection board for the FY 2008 Master Sergeant Selection Board.

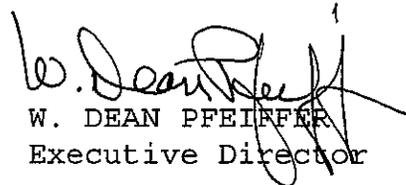
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 July 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 Headquarters Marine Corps (HQMC) dated 27 February and 4 May 2009, copies of which are attached, and copies of the HQMC MMER/PERB (Performance Evaluation Review Board) memorandum dated 15 January 2009 and the fitness report for 26 June 2004 to 6 May 2005, which has been removed from your record by action of the HQMC PERB.

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. The Board was unable to find your selection by the FY 2007 Master Sergeant Selection Board would have been probable, even with a corrected record. In this regard, the Board substantially concurred with the comments contained in the advisory opinion dated 4 May 2009. 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