



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

BAN  
Docket No. 07636-08  
22 September 2008

Dear [REDACTED]

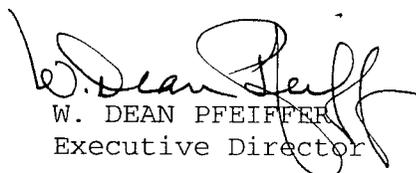
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 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. The Board considered the advisory opinion furnished by the HQMC memo 1400/3 MMR-2 of 8 Sept 08, a copy of which is attached.

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. 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 also 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



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1400/3  
MMPR-2

SEP 08 2008

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

Ref: (a) BCNR Docket Number 07636-08 of 19 Aug 08  
(b) MCO P1400.32D, ENLPROMMAN

1. Per reference (a), [REDACTED] requests backdate/remedial consideration for promotion to gunnery sergeant by the FY 2007 Gunnery Sergeant Selection Board.

2. By [REDACTED] own admission, he did not properly view his record until after the adjourning of the FY 2007 Gunnery Sergeant Selection Board. A review of the selection board records indicates [REDACTED] was properly considered but not selected by the FY 2007 Gunnery Sergeant Selection Board. Per paragraph 3602.3 of reference (b), due diligence requires that a Marine identify errors, discrepancies or an injustice in his or her record in a timely manner and initiate appropriate corrective action. Accordingly, a Marine's request for remedial consideration must detail the steps taken to ensure the completeness and accuracy of his or her official record prior to the convening of the selection board that considered, but did not select, the Marine. Per paragraph 3602.51 of reference (b), when a Marine fails to demonstrate due diligence in the correction of errors or injustices in the record, or in the submission of a request for remedial promotion consideration, there is no basis for granting remedial consideration. Research shows that [REDACTED] did not take formal action to correct his record until after the adjourning of the FY 2007 Gunnery Sergeant Selection Board.

3. Based on the foregoing, it is the recommendation of this office that [REDACTED] record remain unchanged at this time.

R. W. REILLY  
Major, U.S. Marine Corps  
Head, Enlisted Promotion Section

SEP 16 2008