



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

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BJG  
Docket No: 8244-08  
2 October 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.

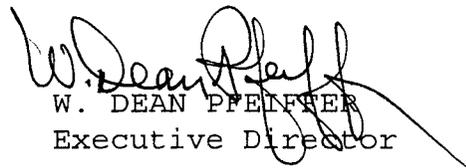
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 October 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. In addition, the Board considered the advisory opinion from Headquarters Marine Corps, dated 21 August 2008, a copy of which is attached. The Board also considered your rebuttal letter dated 4 September 2008.

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. The Board agreed with you that the advisory opinion was incorrect in stating your physical fitness test (PFT) score when the Fiscal Year (FY) 2009 Lieutenant Colonel Selection Board met on 5 September 2007 was 214, rather than 243 as shown in the fitness report for 16 August 2006 to 31 May 2007, the report

that has been modified. In this regard, the Board noted that your Master Brief Sheet showed the PFT for which your score was 214 was conducted in December 2007, after the promotion board in question. The Board otherwise concurred with the advisory opinion in finding your selection by the FY 2009 Lieutenant Colonel Selection Board would have been definitely unlikely, even if your fitness report record had been corrected. 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

