



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

JSR
Docket No: 8782-08
20 November 2008

[REDACTED]

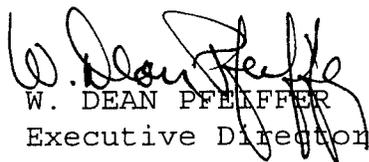
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested, in effect, remedial consideration for promotion from the Fiscal Year 2006 Marine Corps Reserve Staff Sergeant Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 November 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 15 October 2008 with reference (c), a copy of which is attached, and your letter of 4 November 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. 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



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

OCT 15 2008

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED] FORMER USMCR

Ref: (a) BCNR Docket Number 08782-08 of 25 Sep 08
(b) MCO P1400.32C, ENLPROMMAN
(c) SNM's TFDW Report of 14 Oct 08

1. Per reference (a) [REDACTED] requests remedial consideration to the rank of staff sergeant because he believes he was erroneously considered in military occupational specialty (MOS) 1812 vice MOS 0641.

2. After reviewing [REDACTED] request and the appropriate selection board records, it has been determined that [REDACTED] was properly considered by the FY 2005 Reserve Staff Sergeant Selection Board in the occupational field (OccFld) of 1800. Per paragraph 3100.3e of reference (b), reserve component Marines in the Selected Marine Corps Reserve (SMCR) and Individual Ready Reserve (IRR) will compete in the OccFld to which assigned on the convening date of the selection board. Based on reference (c), [REDACTED] record reflected a primary MOS of 1812 when the FY 2005 Reserve Staff Sergeant Selection Board convened on 11 January 2005. This would make [REDACTED] eligible for promotion consideration in the OccFld of 1800. Furthermore, all applications for remedial consideration must be received no later than three years after the date the contested board results were made public.

3. Based on the foregoing and in accordance with reference (b), [REDACTED] is not eligible for remedial consideration by the FY 2005 Reserve Staff Sergeant Selection Board. It is recommended that his record remain unchanged.

R. W. REILLY

Major, U.S. Marine Corps

Head, Enlisted Promotion Section