



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

JSR
Docket No: 9366-08
18 December 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.

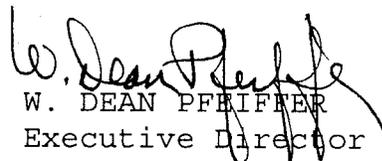
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 December 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 6 November 2008, a copy of which is attached, and your letter of 10 December 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. Notwithstanding the recommendation of the investigating officer that you receive a nonpunitive letter that would not appear in your record, the Board was unable to find the contested page 11 entry was unjustified. In this regard, the Board did not find the statements at enclosures (4) through (7) of your letter dated 10 December 2008 to be persuasive. The Board was likewise unable to find you got no help from your command. Regarding

your assertion that you did not intend to disobey an order, the Board observed this would not excuse violating the Privacy Act (title 5 of the United States Code, section 552a). Finally, the Board did not accept your assertion that because you did not disclose any new personally identifiable information, you did not violate the Privacy Act, noting your having accessed your ex-husband's personal records for an unauthorized purpose without his consent was a violation regardless of the information that was disclosed. 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

