



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

BJG
Docket No: 311-09
2 April 2009

[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.

It is noted that Headquarters Marine Corps (HQMC) has corrected your Official Military Personnel File by removing the Police Record Check (DD Form 369) dated 25 February 2003 and two Leon County CJIS System - Defendant Related Cases documents.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 April 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 memorandum from the HQMC Manpower Information Operations, Manpower Management Information Systems Division (MIO), dated 12 February 2009 with enclosure, 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 in the advisory opinion from MIO in concluding the only remaining contested document, the Exception to Policy Moral Waiver dated 24 June 2003, should stand. The Board found the state court order that the record be expunged did not invalidate that document. In view of the above, your application for relief beyond that effected by HQMC 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