



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

JSR
Docket No: 3510-09
13 August 2009

[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 removing the service record page 11 ("Administrative Remarks (1070)") entry dated 23 April 1987. You further requested backdating your promotion to corporal (pay grade E-4) to 1 May 1987 or 1 April 1988, rather than 1 January 1989; backdating your promotion to sergeant (pay grade E-5) to 1 May 1988 in the Regular Marine Corps rather than 1 January 1993 in the Selected Marine Corps Reserve; backdating your promotion to staff sergeant (pay grade E-6) accordingly; and promoting you to gunnery sergeant (pay grade E-7) to reflect selection when eligible in the promotion zone.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 August 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 advisory opinions from Headquarters Marine Corps, undated and dated 4 June 2009, copies of which are 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. Concerning the contested page 11 entry, the Board was unable to find you should have been recommended for promotion to corporal or that your commanding officer told you that you had no right to make a rebuttal to the entry. 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

Enclosure