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

JSR  
Docket No. 04758-09  
8 October 2009

[REDACTED]

[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.

You requested, in effect, promotion to lieutenant colonel with the date of rank and effective date you would have received, had you been selected by the Fiscal Year (FY) 2004 Lieutenant Colonel Selection Board (impliedly also requesting removal of your failures of selection by the FY 2004 through 2010 Lieutenant Colonel Selection Boards). If this relief is denied, you requested that the fitness reports for 10 June 2006 to 28 February 2009 be removed and that you be granted consideration by a special selection board for the FY 2009, 2010 and 2011 (convened on 25 August 2009, after you had retired on 1 March 2009 and were consequently not eligible for promotion consideration) Lieutenant Colonel Selection Boards. Finally, you requested that your retirement on 1 March 2009 be set aside and that you be restored to active duty.

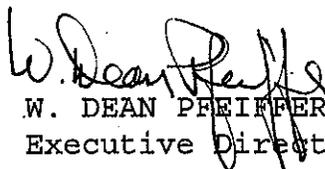
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 October 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 dated 16 June

and 9 September 2009, copies of which are attached, and your letter dated 23 September 2009.

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 opinions. Since the Board found insufficient grounds to remove any of your failures of selection for promotion, it had no grounds to recommend setting aside your retirement or restoring you to active duty. 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