



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

JSR
Docket No: 9336-09
1 April 2010

[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 adjusting your lieutenant colonel date of rank and effective date from 1 July 2009 to reflect selection by the Fiscal Year (FY) 2009 Lieutenant Colonel Selection Board, rather than the FY 2010 Lieutenant Colonel Selection Board.

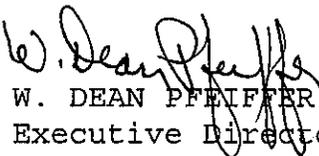
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 April 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, the Board's file on your prior case (docket number 8846-08), your naval record and applicable statutes, regulations and policies. In addition, the Board considered the memorandum for record dated 29 December 2009; the Chronology, [your case], Docket No 9336-09; and the advisory opinion from Headquarters Marine Corps dated 25 January 2010, 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. The Board was unable to find your selection

by the FY 2009 Lieutenant Colonel Selection Board would have been probable, had your record for that promotion board not included the fitness report for 1 August 1997 to 3 June 1998. In this regard, the Board substantially concurred with the comments contained in the advisory opinion. 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