



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

TJR
Docket No: 13026-09
17 March 2010

[REDACTED]

This is in reference to your client, Captain Joshua W. Burgess. Captain Burgess submitted an application for correction of his naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your client's application on 16 March 2010. The names and votes of the members of the panel will be furnished upon request. His 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 his application, together with all material submitted in support thereof, his naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinions furnished by the Marine Corps, 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. In this regard, the Board substantially concurred with the comments contained in the advisory opinions. Accordingly, your client's application has been denied.

It is regretted that the circumstances of your client's case are such that favorable action cannot be taken. He is 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

Enclosures