



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

Zm

JSR
Docket No: 13280-09
3 March 2011

[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 that your major date of rank and effective date be adjusted from 1 September 2009 to reflect selection by the Fiscal Year (FY) 2009 Major Selection Board, rather than the FY 2010 Reserve Major Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 March 2011. 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 opinion from Headquarters Marine Corps (HQMC) dated 7 December 2010 with enclosure and the HQMC e-mail dated 6 and 20 December 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. In light of the e-mail dated 20 December 2010, the Board was unable to find an adverse version of the fitness report for 1 June 2006 to 30 June 2007 was in your

record considered by the FY 2009 Major Selection Board. In this regard, the Board particularly noted that the first iteration of this report was not received by HQMC until 28 September 2007, after the FY 2009 promotion board had adjourned on 27 September 2007. 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