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

BJG
Docket No: 2203-10
9 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. Your most recent previous case, docket number 10358-08, was denied on 24 September 2009. You request promotion to pay grade E-8 (master sergeant or first sergeant), with a date of rank and effective date reflecting selection by the Calendar Year 1999 promotion board. In accordance with the United States District Court for the District of Columbia remand order of 23 February 2010, your case was reconsidered.

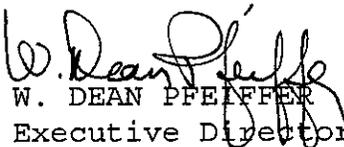
A entirely new three-member panel of the Board for Correction of Naval Records, consisting of Messrs. Dunn, Shy and Tew (the previous panel consisted of Ms. Countryman and Messrs. Butherus and Swarens), sitting in executive session, considered your application on 8 April 2010. Your allegations of error 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, your naval record and applicable statutes, regulations and policies, and the Board's files on your prior cases (docket numbers 8653-01, 1685-06 and 10858-08). In addition, the Board considered the advisory opinion from Headquarters Marine Corps, dated 18 March 2010, a copy of

which is attached. The Board also considered your counsel's rebuttal letter dated 1 April 2010 with enclosures.

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 opinion. Accordingly, the Board again voted to deny relief. 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

Copy to:
