



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

JSR

JSR
Docket No. 05599-10
28 April 2011

[REDACTED]

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This is in reference to your application dated 21 May 2010 for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested removing your failure of selection by the Fiscal Year (FY) 2011 Lieutenant Colonel Selection Board and, by implication, your failure of selection by the FY 2012 Lieutenant Colonel Selection Board. In your previous case, docket number 334-11, the Board voted on 17 February 2011 to deny your implied request, on other grounds, to remove your FY 2011 and 2012 failures of selection for promotion.

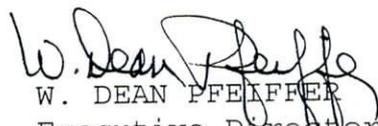
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 28 April 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your current application, together with all material submitted in support thereof, the Board's file on your prior case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions from Headquarters Marine Corps (HQMC), dated 15 June and 1 October 2010 and 31 January and 9 February 2011, and the memorandum for the record dated 22 June 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 finding that your FY 2011 failure of selection should stand, the Board substantially concurred with the comments contained in the advisory

opinions dated 15 June 2010 and 31 January and 9 February 2011, and particularly noted the statement, in the advisory opinion dated 1 October 2010, that "a discrepancy notice was not provided to MMSB [the HQMC Manpower Management Support Branch] regarding a missing PME [Professional Military Education] certificate." The Board found this supported a conclusion that the promotion board was able to reach its decision not to select you without verifying the accuracy of the Master Brief Sheet entry showing you had completed Command and Staff College. Since the Board found insufficient basis to remove your FY 2011 failure of selection, and your Official Military Personnel File considered by the FY 2012 promotion board included your certificate of completion of Command and Staff College, the Board found your FY 2012 failure of selection should stand as well. In view of the above, the Board again voted to deny removing either of your failures of selection to lieutenant colonel. 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