



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

BJG  
Docket No: 9126-10  
18 August 2011

Dear [REDACTED]

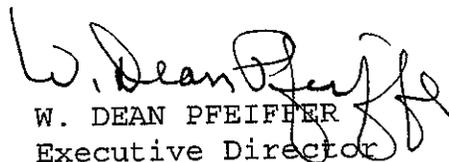
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested promotion to master gunnery sergeant (pay grade E-9) from the Fiscal Year (FY) 2004 Reserve Master Gunnery Sergeant Selection Board. By implication, you further requested that your retired grade be changed accordingly, from master sergeant (pay grade E-8) to master gunnery sergeant. Your previous case, docket number 2503-08, was denied on 8 January 2009. In accordance with the stipulation of dismissal of your case before the United States District Court for the Western District of Pennsylvania, your case was reconsidered.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 18 August 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, and the Board's file on your prior case. The Board also considered the advisory opinions from Headquarters Marine Corps dated 14 October 2010 and 29 June 2011, copies of which are attached. Finally, the Board considered your rebuttal letters dated 29 November and 1 December 2010 and 4 August 2011, each 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 regard, the Board substantially concurred with the comments in the advisory opinions. The Board found you were eligible to be considered by the enlisted remedial selection board (ERSB), as you were not in confinement when the regular promotion board convened. In the absence of your having been selected by the FY 2004 Reserve Master Gunnery Sergeant Selection Board or an ERSB for that promotion board, the Board was unable to find you should have been promoted from that promotion board. In view of the above, 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

Enclosures