



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

JSR
Docket No. 09308-10
16 September 2010

[REDACTED]

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This is in reference to your application dated 23 March 2010, seeking reconsideration of your previous 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 08633-09, was denied on 3 September 2009.

You again requested removal of the fitness report for 1 September 2006 to 22 January 2007; removal of your failures of selection by the Fiscal Year (FY) 2009 and 2010 Lieutenant Colonel Selection Boards; and if the contested fitness report is removed, consideration by a special selection board (SSB) for the FY 2009 and 2010 Lieutenant Colonel Selection Boards. You also added a new request for removal of your failure of selection by the FY 2111 Lieutenant Colonel Selection Board and, if the contested report is removed, consideration by an SSB for the FY 2111 Lieutenant Colonel Selection Board. Your requests regarding the FY 2010 Lieutenant Colonel Selection Board were not considered, as you have not exhausted your administrative remedies (your request on a different basis dated 15 April 2009 for an SSB for the FY 2010 Lieutenant Colonel Selection Board was approved on 22 April 2010).

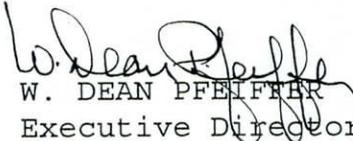
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 16 September 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your current application, together with all material submitted in support thereof, the Board's files on your prior cases (docket

numbers 07213-07 and 08633-09), your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 19 August 2010, a copy of which is attached, and your letter dated 2 September 2010.

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 report of the PERB. 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