



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

m

JSR
Docket No: 11342-10
21 April 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 administrative reduction from gunnery sergeant (pay grade E-7) to staff sergeant (pay grade E-6) be set aside, and you impliedly requested that your retired grade be changed accordingly from staff sergeant to gunnery sergeant.

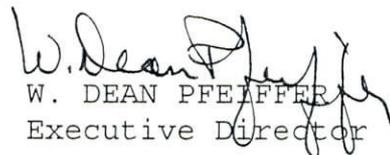
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 April 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your 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 opinions from Headquarters Marine Corps dated 27 January 2011 and 29 March 2011 with references (c) through (f), copies of which are attached, your e-mail of 4 April 2011 and your letter dated 17 April 2011.

After careful and conscientious consideration of the entire record, and notwithstanding the favorable advisory opinion dated 27 January 2011, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Concerning the absence of documentation of

the reduction from your Official Military Personnel File, the Board noted that you acknowledge having been administratively reduced by a competency review board because of "'a technical deficiency based on weight control'"; and further noted that the Marine Corps Total Force System data reflects your administrative reduction from E-7 to E-6 effective 11 May 2005, as well as three assignments to weight control, in 1988, 1990 and 2003. You contend that you were wrongly treated as not having any underlying medical condition that contributed to your weight problem, submitting a Department of Veterans Affairs decision of 19 September 2009 that you had service connected spinal stenosis, with right-sided sciatica. The Board particularly noted that you offered no information from competent medical authority to support a conclusion that this condition contributed to your weight problem. 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