



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

JSR

Docket No: 10599-12  
21 March 2013

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 removing the service record page 11 ("Administrative Remarks (1070)") entries dated 12 September 2004 (two, the first stating you are eligible but not recommended for promotion to corporal for September 2004, and the second stating you are eligible but not recommended for promotion to corporal for October, November and December 2004), undated (stating you are eligible but not recommended for promotion to corporal for July, August and September 2004), 6 March 2005 (stating you are eligible but not recommended for promotion to corporal for the second quarter of 2005) and 5 June 2005 (stating you are eligible but not recommended for promotion to lance corporal (pay grade E-3) for the third quarter of 2005).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 March 2013. 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 opinion from Headquarters Marine Corps (HQMC) dated 19 December 2012, a copy of which is 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 this connection, the Board substantially concurred with the comments contained in the advisory opinion.

The Board was unable to accept your unsupported assertion that you never had any unauthorized absences. Concerning your objection that the contested entries lack your signature, the Board noted that they all show you were not available for signature, but your application reflects you became aware of the entries on 21 September 2012, at which time you could have submitted a rebuttal to be entered in your record. Finally, the Board found that the entry dated 5 June 2005, regarding the third quarter of 2005, should have indicated you were not recommended for promotion to corporal, rather than lance corporal, as you were a lance corporal on that date; and the entry dated 6 March 2005, regarding the second quarter of 2005, recommended against your promotion to corporal. However, the Board found this error did not warrant removal of the entry, as you requested, but rather a correction of the grade =that you may request of HQMC.

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,



ROBERT D. ZSALMAN  
Acting Executive Director

Enclosure