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

BJG
Docket No: NR1960-13
16 October 2013

[REDACTED]

Dear Gunnery Sergeant [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 gunnery sergeant date of rank and effective date be adjusted from 1 October 2010 to reflect that you were promoted pursuant to selection by the Fiscal Year (FY) 2009 Gunnery Sergeant Selection Board, rather than FY 2010.

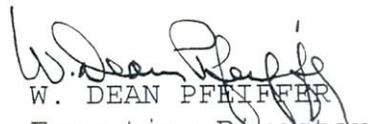
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 October 2013. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. The Board also considered the two advisory opinions from Headquarters Marine Corps dated 14 May and 16 August 2013, copies of which are attached. Finally, the Board considered your rebuttal letters dated 26 June 2013 with enclosures and 16 September 2013.

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. The Board was unable to find you probably would have been selected by the FY 2009 promotion board, had

your record not included the fitness report for 2 March to 31 December 2007 or the service record page 11 entry dated 28 July 2007, both of which were removed after the FY 2010 promotion board had adjourned on 9 June 2010 (the fitness report was removed on 9 July 2012 and the page 11 entry was removed on 5 February 2013). In this regard, the Board substantially concurred with the advisory opinion dated 16 August 2013, and particularly noted that you were selected with an uncorrected record. 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

Enclosures