



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

JSR

JSR
Docket No: NR2713-14
28 August 2014

[REDACTED]

Dear Warrant Officer [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, in effect, promotion to Chief Warrant Officer 2 (CWO2) and removal of documentation of the determination that you were not qualified for promotion to CWO2.

You contend that in consideration of what you describe as your stellar performance before and after the incident for which you received nonjudicial punishment (NJP) on 22 March 1997, you have been punished enough as a result of your NJP, Board of Inquiry (by which you were retained), years of non-consideration for promotion, and pain and suffering your family has endured.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 August 2014. 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 memorandum from Headquarters Marine Corps dated 12 August 2014, 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 noted the determination that you were not qualified for promotion was a purely administrative, rather than punitive action. The Board found that determination was adequately supported by your NJP, notwithstanding your performance 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,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure