



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

[REDACTED]
Docket No. 3650-16
MAR 09 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 January 2017. The names and votes of the members of the panel will be furnished upon request. 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 reviewed the advisory opinion provided by Headquarters Marine Corps (MMRP-13/PERB) dated 19 April 2016 ("AO"), which was sent to you on 19 April 2016 for an opportunity to comment prior to being considered by the Board. After the 30-day period for comment expired without a response from you, the case was presented to the Board.

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 regard, the Board substantially concurred with the comments contained in the AO. Your request for changing both contested reports from observed to not-observed is based on regulations that were adopted several years after the reporting periods for both of the contested reports. More specifically, the waiver of policy letter dated 30 May 2013 authorizing not-observed reports for augment personnel assigned to Officer Candidate School did not authorize retroactive waivers. Additionally, please note that the guidance you cited on your application, MCO 1610.7 dated 13 February 2015, was not the applicable guidance at the time of the contested report covering the period of 17 October 1998 to 1 April 1999 was written. MCO P1610.7E was in effect at such time. The Board concluded that both contested reports are administratively and procedurally accurate as written and filed. Accordingly, your application has been denied.

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 within one year from the date of the Board's decision. New evidence is evidence not

previously considered by the Board prior to making its decision in your case. 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 solid black rectangular box used to redact the signature of the Executive Director.

Executive Director