



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

LCC:ddj
Docket No: 570-99
30 March 1999

[REDACTED]

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 March 1999. 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 CMC letter 1420/2 MMPR-2 of 24 December 1998 , 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 letter. The Board was not convinced that your record contained the Non-Judicial Punishment when your record was reviewed in October/November 1996. Accordingly, 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



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1420/2
MMPR-2
24 Dec 98

[REDACTED]

Subj: REQUEST FOR REMEDIAL CONSIDERATION FOR PROMOTION

Per your Administrative Action Form of September 13, 1998, you requested remedial promotion consideration because of action taken by the Board for the Correction of Naval Records. A review of selection board records indicates that you were considered and not selected by the 1996 Reserve Staff Noncommissioned Officer Selection Board (promotion zone) and the 1997 Reserve Staff Non-commissioned Selection Board (above zone). The confidentiality of the selection board process precludes knowing the exact reasons for your nonselection, although it is inferred that, based on a majority vote of the board members, your record was not competitive with the records of the Marines selected for promotion.

The circumstances surrounding each Marine's request are evaluated on a "case by case basis" with consistency and fairness in mind. Only those cases determined to be within the spirit and intent of the policies regarding remedial consideration are forwarded to the Enlisted Remedial Promotion Board for adjudication. It has been determined that your request fails to meet the criteria outlined in paragraphs 3502 and 3503 of reference the Enlisted Promotions Manual. Specifically, per paragraph 3502.7 of the manual, Marines who have been retired must petition the Board for the Correction of Naval Records concerning remedial consideration for promotion. Accordingly, your request for remedial consideration for promotion is disapproved.

The enclosure is provided to assist you in petitioning the Board for the Correction of Naval Records.

[REDACTED]

Assistant Head,
Enlisted Promotion Section
By direction of the
Commandant of the Marine Corps

Enclosure: (1) DD Form 149

Copy to: (1) Commanding General, 4th Marine Aircraft Wing
(2) Commanding Officer, Marine Aircraft Group 42
(3) Officer in Charge, 4th Low Altitude Air Defense
Battalion, Detachment Alpha