

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

WJH
Docket No 2418-04
September 22, 2005

From: Chairman, Board for Correction of Naval Records
To: Deputy Under Secretary of Defense for Program Integration

Subj: [REDACTED]

End: (1) Senator [REDACTED] ltr of 8 Sep 05
(2) BCNR ltr WJH Docket No 2418-04 of 22 Sep 05

1. In March 2004, Gunnery Sergeant XXXX petitioned the Board for Correction of Naval Records (BCNR) for "Promotion to the rank of Master Sergeant, E8, back pay and retirement," In May 2004, after careful consideration of his request, the Board found insufficient evidence to grant his request. Accordingly, his petition was denied.

2. By enclosure (1), [REDACTED] has requested assistance by giving Gunnery Sergeant XXXX's concerns full attention. BCNR has responded to Senator Dole by enclosure (2). However, some of the concerns Gunnery Sergeant XXXX has expressed relate to the Deputy Under Secretary of Defense for Program Integration. As we are unable to address those concerns, enclosure (1) is forwarded to you for disposition as you see appropriate.

Very respectfully,

[REDACTED]

Enclosure

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Dear [REDACTED]:

This is in reply to your letter dated September 8, 2005 on behalf of your constituent Gunnery Sergeant XXXX, USMC (Ret).

A review of our files reveals that in December 2000, Gunnery Sergeant XXXX requested remedial reconsideration for promotion after having an evaluation removed from his record. Accordingly, in February 2001, a remedial promotion board met to consider him for promotion for the CY 2000 Master Sergeant Selection Board. His personnel file was compared with those of other Marines competing for promotion within his same specialty. After careful review of his record, the remedial promotion board recommended that he not be selected. That recommendation was subsequently approved and he was so informed.

In March 2004, Gunnery Sergeant XXXX petitioned BCNR for "Promotion to the rank of Master Sergeant, E8, back pay and retirement based on the date of (his) rightful remedial promotion (1 July or 1 Aug 2000)." In May 2004, after careful consideration of his request, BCNR found insufficient evidence to overturn the approved recommendation of the February 2001 remedial promotion board. His BCNR petition requesting to be promoted to Master Sergeant was therefore disapproved.

In July 2004, he requested reconsideration of that decision. His request for reconsideration was given the broadest consideration possible. However, it did not contain any new and material evidence which would tend to alter the previous findings that his remedial promotion consideration was substantively correct. Accordingly, his request for reconsideration was denied.

BCNR was created by Congress in 1946 to provide a method for correction of errors in the records of current and former Navy and Marine Corps members to avoid the need for private legislation. The statutory authority for BCNR is codified in 10 U.S.C 1552. BCNR is the highest echelon of administrative review within the Department of the Navy.

Gunnery Sergeant XXXX had various aspects of his case reviewed by a remedial promotion board, BCNR, and Headquarters, United States Marine Corps (Manpower and Reserve Affairs), affording him the broadest consideration possible each time. In sum, these reviews have found that the remedial promotion board recommendation that he not be selected for advancement to E-8 was correct. He has exhausted the administrative remedies available to him at BCNR and he is free to pursue the matter further in the federal courts.

Your letter was addressed to the Board for Correction of Naval Records. However, the enclosure to your letter also contains concerns relating to the office of the Deputy Under Secretary of Defense for Program Integration. As I am unable to address those concerns, by separate correspondence I am forwarding your letter to them for direct response to you. Thank you for your interest in this case. I regret that the circumstances are such that a more favorable determination cannot be made.

Sincerely,

