



JW

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

JSR
Docket No: 9891-09
14 October 2010

[REDACTED]

[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 adjusting the date of rank and effective date of your promotion to Chief Warrant Officer (CWO) 2 from 14 October 2009 to 1 August 2006; promoting you to CWO3 effective 1 August 2009; and removing all documentation of the delay of your promotion to CWO2, removal of your selection for promotion to CWO2, consideration for administrative separation, and report of misconduct.

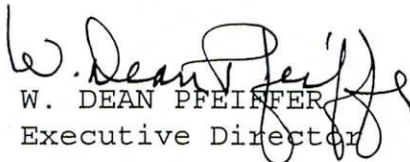
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 October 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 advisory opinions from Headquarters Marine Corps dated 24 August and 24 September 2010, copies of which are attached, and your letter dated 11 October 2010 with enclosure.

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 advisory opinion dated 24 September 2010. The Board was unable to find the circumstances of your case did not reflect any misconduct or at least questionable judgment, nor could it find the Secretary of the Navy had insufficient grounds to doubt your fitness for promotion to CWO2. Finally, the Board was unable to find any material factual error in the Commandant of the Marine Corps letter of 23 July 2008 or the Secretary's action of 14 October 2008. In this regard, the Board was unable to find the Secretary erred by stating you were alone in a "locked" barracks room with a junior enlisted female Marine, nor could it find the relief you seek would be warranted if it could be established that the room actually was not locked. 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

Enclosure