



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

JSR
Docket No: 5700-11
6 October 2011

[REDACTED]

Dear Gunnery Sergeant [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 that your gunnery sergeant date of rank and effective date be adjusted from 1 July 2009 to reflect selection by the Fiscal Year (FY) 2005 Gunnery Sergeant Selection Board, rather than FY 2009.

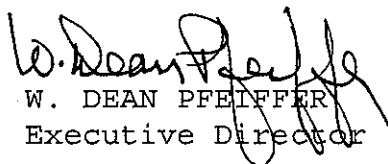
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 October 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 opinion from Headquarters Marine Corps (HQMC) dated 9 August 2011 and the e-mail from HQMC dated 17 August 2011, copies of which are attached, and your letter dated 22 September 2011. The Board also considered copies of your fitness reports for 2 February to 20 August 2002, 10 October to 15 December 2002 and 7 March to 17 May 2003, whose removal was directed by the HQMC Performance Evaluation Review Board (PERB).

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. The Board was unable to find your selection by the FY 2005, 2006, 2007 or 2008 Gunnery Sergeant Selection Board would have been probable, had your record not included any of the three fitness reports that were removed from your record, pursuant to the direction of the PERB, on 9 April 2009, after your failures of selection and before the FY 2009 promotion board, by which you were selected, convened on 14 April 2009. In this regard, the Board substantially concurred with the comments contained in paragraphs 4 and 5 of the advisory opinion. 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