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

BJG
Docket No: 8545-10
20 April 2011

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 April 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 opinions from Headquarters Marine Corps (HQMC), dated 20 September 2010 and 1 April 2011, copies of which are attached. The Board also considered your rebuttal letters dated 18 November 2010 with enclosure and 13 April 2011.

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 found, as stated in the advisory opinion dated 1 April 2011, that your current status as temporarily retired makes you ineligible for consideration by an Enlisted Remedial Selection Board, but noted that at such time as you are found fit for duty and restored to active duty, you may submit your request for remedial consideration for

promotion to HQMC (MMPR-2). Such a request should include information about your stroke in May 2008 to explain why you did not take action, before the Fiscal Year 2009 Gunnery Sergeant Selection Board convened on 14 April 2009, to obtain your fitness report for 1 January to 31 December 2008. In the event you are permanently retired, you may request that your case before this Board be reopened. 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

Enclosures