



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

JSR
Docket No: 11168-10
27 January 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.

You requested adjusting your gunnery sergeant date of rank and effective date from 1 July 2010 to reflect selection by the Fiscal Year (FY) 2005, 2006, 2008 or 2009 Gunnery Sergeant Selection Board, rather than FY 2010.


A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 January 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, the Board's file on your prior case (docket number 4974-10), your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion from Headquarters Marine Corps dated 8 December 2010, a copy of which is attached, and your letter dated 15 January 2011 with enclosures.

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, 2008 or 2009 Gunnery Sergeant Selection Board would have been probable, had your record not included the

fitness report for 2 April to 3 June 2000, whose removal was directed in your previous case on 15 August 2010. The Board recognized that you were selected by the FY 2010 Gunnery Sergeant Selection Board, which adjourned on 9 June 2010, despite the presence of that fitness report in your record considered by the promotion board. However, the Board particularly noted the figures provided in paragraph 3 of the advisory opinion, as well as the uncontested derogatory service record page 11 entries dated 14 November 1993 and 21 March, 24 March and 15 November 1995, which were viewed by all the selection boards by which you were not selected. 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