



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

BJG  
Docket No: 229-01  
9 March 2001

GYSG [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 reinstatement to the 1997 Gunnery Sergeant Selection List and adjustment of your gunnery sergeant date of rank and effective date to reflect a 1997 selection.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2001. 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 furnished by the Headquarters Marine Corps Enlisted Promotion Section, Promotion Branch (MMPR-2), dated 29 January 2001, a copy of which is attached. They also considered a rebuttal letter, dated 2 March 2001, submitted on your behalf by a Marine Corps lieutenant colonel who, according to his letter, was the author of the advisory opinion.

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 nothing objectionable in the "By direction" signature on the Commanding General (CG), II Marine Expeditionary Force (MEF) letter 1400 SJA (Staff Judge Advocate)/P dated 9 September 1997, as this document did not make a recommendation, but merely forwarded and described, albeit inaccurately, the recommendation of the Central Disposition Authority (CDA) in your case. They noted that the Commandant of the Marine Corps (CMC) letter 1450/5 MMPR-2 dated 2 December 1997, deleting your name from the selection list, states that it was based on "the report contained in [emphasis added] reference (a) [CG II MEF 1400 SJA/P dated 9 September 1997]." The report enclosed with that letter

was the CDA letter 1600 BSJA1 dated 16 June 1997, paragraph 2 of which stated "I am also recommending that, if selected, [your] promotion to gunnery sergeant be withheld [emphasis added]" and paragraph 3 of which stated "I will correspond directly with the [CMC] regarding withholding [emphasis added] promotion." They were unable to find that the CMC did not notice, in reviewing the CDA report, that the CDA actually made two references to withholding promotion, and did not recommend that the CMC "revoke your promotion" as stated in the "By direction" letter of 9 September 1997. Finally, they were unable to find that statements made by the CMC resulted in undue influence by him in the adjudication of your case.

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



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:  
1400/3  
MMPR-2  
29 Jan 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF GUNNERY SERGEANT [REDACTED]  
[REDACTED] USMC

Ref: (a) CG II MEF 1400 SJA/P of 9 Sep 97  
(b) CMC ltr 1450/5 MMPR-2 of 2 Dec 97

1. Gunnery Sergeant [REDACTED] requests reinstatement of his selection to gunnery sergeant by the 1997 Gunnery Sergeant Selection Board in which he was first considered for promotion in Zone (IZ). Since then, Gunnery Sergeant [REDACTED] received promotion selection by the 1999 Gunnery Sergeant Selection Board and was given a date of rank of 1 July 1999.

2. On 9 September 1997, the Commanding General, II Marine Expeditionary Force (MEF), recommended the revocation of Gunnery Sergeant [REDACTED] (then a staff sergeant) promotion selection to gunnery sergeant by the 1997 Gunnery Sergeant selection board due to his participation in the 1993 "Blood winging" hazing incident at Marine Expeditionary Camp, Pohang, Korea (ref a). The Commandant of the Marine Corps (CMC) administratively deleted Gunnery Sergeant [REDACTED] name from the 1997 Gunnery Sergeant selection list after his failure to maintain the high standards of personal and professional performance expected of a Staff Noncommissioned Officer (ref b).

3. Since Gunnery Sergeant [REDACTED] records have not changed, he is not eligible for the reinstatement of his selection to gunnery sergeant by the 1997 Gunnery Sergeant selection board. We recommend the petition be denied.

[REDACTED]  
Head, Enlisted Promotion Section  
Promotion Branch  
By direction of  
the Commandant of the Marine Corps