



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

BJG
Docket No: 8069-00
6 September 2001

CWO5 [REDACTED] USMCR RET
[REDACTED]
[REDACTED]

Dear Chief Warrant Officer [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, in effect, removal of your failures by the Fiscal Year 1999 through 2001 Reserve Chief Warrant Officer-4 Selection Boards. You also requested a special selection board and, by implication, cancellation of your retirement on 1 January 2001 with retroactive restoration to active status in the Marine Corps Reserve. Finally, you requested that the gaps in your fitness report record be filled. The last corrective action you requested has been effected by the Commandant of the Marine Corps (CMC).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 September 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 opinions from Headquarters Marine Corps dated 4 April and 18 July 2001, copies of which are attached.

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 light of the information provided in the advisory opinion dated 4 April 2001, the Board found that the fitness report for 1 April 1996 to 31 May 1997 was missing for all three promotion boards; that the report for 1 October 1998 to 28 February 1999 was missing for FY 00 (1-10 June 1999) only (the reporting senior signed on 8 April 1999, but the reviewing officer did not sign until 26 April 2000, which the Board found to be an unreasonable administrative delay); and that the report for 13 March to 30 June 1999 was not missing for

any board (both the ending date of the reporting period, 30 June 1999, and the date the reporting senior signed, 21 August 1999, were after the adjournment of the FY 00 board).

The Board substantially concurred with the comments contained in the advisory opinion dated 18 July 2001 in finding that the missing fitness reports were not a material factor in your failures of selection for promotion. Since they found insufficient basis to remove your failures, they had no grounds to recommend granting you a special selection board or setting aside your retirement.

In view of the above, your application for relief beyond that effected by CMC 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



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

48069-00
IN REPLY REFER TO:
1600
CMT
4 Apr 01

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

Subj: RESERVE AFFAIRS REVIEW OF FAILURE OF SELECTION ADVISORY
OPINION ON BCNR APPLICATION: CASE OF CHIEF WARRANT OFFICER
[REDACTED] USMCR

Ref: (a) CWO3 [REDACTED] of 23 Nov 00
(b) SECNAVINST 1401.1B

1. We have reviewed reference (a) and provide the following comment on Chief Warrant Officer [REDACTED] request for removal of failure of selection to Chief Warrant Officer 4.

2. A review of the reference and subsequent research into his allegations that his failure of selection was a result of the incompleteness of his Official Military Personal Record (OMPF) has turned up the following: two of the fitness reports, (3) (980901-990228 and 990313-990630) were presented to the Fiscal Year 2001 Promotion Board as update material while the board was in session. The third fitness report dated 960401 - 970331, did not go before the Board.

3. Although CW [REDACTED] record was incomplete because of the missing fitness report, his overall record is extremely competitive. This missing report did not substantially change his record. Additionally, reference (b) requires due diligence be exercised to ensure the completeness of one's record. The missing fitness report was over three years late and not submitted until after the officer had already received two failures of selection.

4. Based on the above we can find no reason to remove his failure of selection.

5. Point of contact is [REDACTED]

[REDACTED]
By direction



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

IN REPLY REFER TO:
1600
CMT
18 Jul 01

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

Subj: RESERVE AFFAIRS REVIEW OF FAILURE OF SELECTION ADVISORY
OPINION ON BCNR APPLICATION; CASE OF CHIEF WARRANT
OFFICER [REDACTED], USMCR

- Ref: (a) MMER Memo for Marine Corps of 25 Jun 01
- (b) CWO3's [REDACTED] r of 23 Nov 00
- (c) CWO3 [REDACTED] PD Form 149 of 22 Nov 00
- (d) CWO3 [REDACTED] ltr of 22 Aug 00
- (e) CMT Advisory Opinion of 4 Apr 01
- (f) SECNAVINST 1401.1B

1. We have reviewed references (a) through (e) and provide the following comment on the impact of Chief Warrant Officer 3 [REDACTED] missing fitness reports for FY99-01 USMCR CWO4 selection boards.

2. The first missing fitness report in question (960401-970331) was a favorable report. However, a "one of one" rating provides negligible benefit in determining SNO's competitiveness relative to his peers. The inclusion of this fitness report would likely have had little impact on SNO's chances for selection on the FY99 selection board, as only a total of seven CWO3's were selected for promotion. Only 2 of 8 CWO3's were selected for promotion in the above zone category on the FY00 board. Only 2 of 14 CWO3's were selected in the above zone category on the FY01 board.

3. The second missing fitness report in question (981001-990228) was also a favorable report. However, there was no comparative assessment rating performed due to insufficient observation time by the Reviewing Officer. Again, it is questionable whether the inclusion of this particular report would have added to SNO's competitiveness for promotion relative to his peers. Only 2 of 8 CWO3's were selected for promotion from the above zone population on the FY00 board.

4. It must be reiterated that reference (f) requires due diligence be exercised to ensure the completeness of one's record. The first missing fitness report was over three years late and not submitted until after the officer had already

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OFFICER 3 [REDACTED] USMCR

received two failures of selection. Additionally, our research
determined that the FY01 CWO4 selection board did not receive a
photograph or a Reserve Qualification Summary from CWO3
[REDACTED]

5. Based on the above information, we conclude that the missing
fitness reports had minimal impact on his failure of selection
for the FY99-01 CWO4 selection boards.

6. Point of contact is [REDACTED] [REDACTED]

[REDACTED]

By direction