



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

BJG
Docket No: 3895-02
30 September 2002

GYSGT [REDACTED] USMCR
[REDACTED]
[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 September 2002. 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 Marine Corps Recruiting Command, dated 18 June 2002, a copy of which is attached. They also considered your rebuttal letter dated 15 July 2002.

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 this connection, the Board substantially concurred with the comments contained in the advisory opinion. They noted that you had a related, rather than a feeder military occupational specialty (MOS) for the warrant officer MOS for which you were applying. Further, as stated in MARADMIN 402/01, the applicable standard was "best and fully qualified," not just "fully qualified," the standard you asserted in your letter of 15 July 2002. 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



UNITED STATES MARINE CORPS
MARINE CORPS RECRUITING COMMAND
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

IN REPLY REFER TO:
1610
G-1
JUN 18 2002

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

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) APPLICATION IN THE CASE OF GUNNERY SERGEANT [REDACTED] USMCR

1. We were asked to provide an advisory opinion on Gunnery Sergeant [REDACTED] contention that he should have been selected for participation in the Enlisted to Warrant Officer Program (Reserve). We conclude that his application was fairly considered and he was properly not selected by the FY02 Enlisted to Warrant Officer (Reserve) Selection Board.
2. Based on his application, Gunnery Sergeant [REDACTED] was considered by the FY02 Enlisted to Warrant Officer (Reserve) Selection Board for selection in Military Occupational Specialty (MOS) 1310 for a billet in South Bend, IN. He was not selected. The board members considered 11 applicants for 6 vacancies in MOS 1310. Four of them requested South Bend, IN, as their first choice. One selection was made from among these applicants.
3. In cases where the board receives more applications in an MOS than there are MOS vacancies, the board first considers each Marine for selection or non-selection to warrant officer. The selection standard is best and fully qualified; i.e., selected Marines must be fully qualified to assume the duties of the selected grade, and must be the best qualified among those against whom they compete for selection. The board was authorized to select up to 6 Marines for MOS 1310; the board selected 1 Marine. Had the board selected more than 1 Marine for this MOS, the members would then have ranked the selectees for assignment to specific billets based on their billet choices. The top ranked selectee would have received his first choice. The second ranked Marine's choice would be reviewed and if his first choice is already filled, he would be given his second choice; the third ranked selectee would receive the first choice available that wasn't already filled. Applicants also were required to add a statement to their applications acknowledging their willingness to accept any MOS/billet for which the board considered them qualified. In this case, if the board had selected Gunnery Sergeant [REDACTED] based on the best and fully qualified standard, he would have been placed in a billet vacancy in the MOS he was selected for. The board would not have declined to select him based on his duty station preferences.
4. Assessing any one Marine's chances for selection is difficult. Many factors are evaluated as part of the selection process. Consideration is given to MOS experience, training and military record, education, overall qualifications, and command recommendations. The board selects those who they determine are the best and fully qualified to fill the vacancies.

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Only after a full and impartial evaluation of the qualifications of the applicant can a determination be made by the board. The proceedings of the board are considered confidential and a specific reason for Gunnery Sergeant [REDACTED] non-selection cannot be determined. Frank appraisals and assessments by each member of the selection board which considered his qualifications for appointment to warrant officer are essential to the successful conduct of the warrant officer selection process. In order to preserve this candor, strict confidentiality concerning board proceedings and discussions is maintained by the members and this information cannot and should not be released.

5. The "Recommended Warrant Officer Criteria" information enclosed with Gunnery Sergeant [REDACTED] application was provided to the selection board members to assist them in the selection process. It was prepared by the 1310 MOS specialist and supplements the information in Marine Corps Order P1200.7W, the MOS Manual. Additionally, Gunnery Sergeant [REDACTED] includes advice he received from other Marines concerning possible reasons for his non-selection. As noted above, because of the confidentiality of the selection process, no one can determine why he was not selected. Gunnery Sergeant [REDACTED] assertion that he should have been selected because he believes he was qualified in his MOS is not sufficient justification to change the record of the board to show he was selected.

6. Based on the information above, we believe Gunnery Sergeant [REDACTED] contention that he should have been selected is without merit. The point of contact in this matter is [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Chief of Staff