



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

LCC:ddj
Docket No: 4454-02
4 September 2002

[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 4 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 CMC memorandum 1400/3 MMPR 2 of 16 August 2002, a copy of which is 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 this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, 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
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1400/3

MMPR-2

16 Aug 02

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

Subj: ADVISORY OPINION IN THE CASE OF STAFF SERGEANT
██

Ref: (a) BCNR ltr CRS Docket No: 04559-01 dtd 8 Nov 01
(b) Enlisted Promotion Manual (MCO P1400.32C)

1. Per reference (a), Staff Sergeant ██████████ requests remedial promotion consideration for the CY 1999 Staff Sergeant Selection Board for backdate of his staff sergeant promotion. He claims he was considered in the wrong MOS of 0411, vice his lateral move intended MOS of 0251.

2. Research of Staff Sergeant ██████████ record indicates, he was considered by the CY 1999 Staff Sergeant Selection Board for MOS 0411 and not selected.

3. Staff Sergeant ██████████ (TD) Fitness Report dated 15 June 1999 through 30 July 1999 verifies he was OJT as an 0200 with the intended MOS of 0251 prior to 19 July 1999, the convening date of the CY 1999 Staff Sergeant Selection Board.

3. An Enlisted Remedial Selection Board convened 14 August 2002. The board did not select Staff Sergeant ██████████ to staff sergeant for the CY 1999 Staff Sergeant Selection Board.

4. Recommend Staff Sergeant ██████████ request for backdate of his staff sergeant promotion be denied.



Major, U.S. Marine Corps
Head, Enlisted Promotion Section