



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

*dn*

BJG  
Docket No: 6104-02  
7 October 2002

LTCOL [REDACTED] USMCR  
[REDACTED]  
[REDACTED]

Dear Col [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 3 October 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 Headquarters Marine Corps dated 26 July 2002, and a memorandum for the record, dated 23 September 2002, copies of which are attached. Finally, they considered their file on your prior case, docket number 1291-01.

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 you probably would have been selected for promotion by the Fiscal Year (FY) 2000, 2001 or 2002 Reserve Lieutenant Colonel Selection Board, had you enjoyed the benefit of a corrected fitness report record and status as not having failed of selection. In this regard, they particularly noted that had the later removed fitness report for 1 January to 27 July 1997 not been in your record before the FY 2000 and 2001 promotion boards (convened on 13 April 1999 and 11 April 2000, respectively), your record would have reflected no fitness report at all since 31 December 1996. They further noted that had you been presented to the FY 2002 promotion board (convened on 27 March 2001) as not having failed of selection, your fitness report record, which had been corrected, would have reflected only one fitness report, for 10 March to 31 December 2000, since 31 December 1996. 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

Enclosures



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

6104-02

IN REPLY REFER TO:  
1600  
CMT  
26 July 02

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

Subj: RESERVE AFFAIRS ADVISORY OPINION ON BCNR APPLICATION;  
CASE OF LIEUTENANT COLONEL [REDACTED]  
[REDACTED] USMCR

Ref: (a) BCNR ltr BJJ/Docket No: 1291-02 dtd 2 Jul 01  
(b) MCO P1400.34B

1. Recommend Lieutenant Colonel [REDACTED] request to back-date his date of rank and receive back-pay be disapproved. The following justification is provided.
2. Lieutenant Colonel [REDACTED] request to adjust his date of rank is based on the fact that reference (a) removed three prior failures of selection from his record (FY00, FY01 and FY02). He was subsequently considered in-zone and selected on the FY03 selection board.
3. Lieutenant Colonel [REDACTED]'s selection on the FY03 selection board was based on all applicable material in his OMPF. This included fitness reports dated through December 2001 as well as personal correspondence sent to the board in March 2002. Because this material was used in the board's decision to select him, Lieutenant Colonel [REDACTED] current date of rank is appropriate.
4. The selection process and date of rank assignment of a regularly scheduled board is different than that of a special selection board (SSB). Per reference (b), in an SSB, records will be modified or retracted to exclude all material received after the date the regularly scheduled board would have convened. Since Lieutenant Colonel [REDACTED] selection was due to a regularly scheduled board using all material in his OMPF and not a special selection board using a modified OMPF, his date of rank is correct and should not be adjusted.

5. Point of contact [redacted] at [redacted]

[redacted]

By direction

C-104-02

DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)  
PERFORMANCE SECTION  
2 NAVY ANNEX, SUITE 2432  
WASHINGTON, DC 20370-5100  
TELEPHONE: (703) 614-2293 OR DSN 224-2293  
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MEMORANDUM FOR THE RECORD

DATE: 23SEP02

DOCKET NO: 6104-02

PETITIONER (PET): [REDACTED]

PARTY CALLED: [REDACTED] APR-1

TELEPHONE #: N/A

WHAT I SAID: I ASKED JANE WHAT HIS CURRENT DOR AND EFF DATE IS, AND WHAT HE WOULD HAVE RECEIVED HAD HE BEEN SEL BY THE FY-00 USMCR LTCOL SEL BD.

WHAT PARTY SAID: [REDACTED] INFORMED ME THAT HIS CURRENT DOR AND EFF DATE IS 1MAR02, AND THAT HIS IT WOULD HAVE BEEN 1JUL99 HAD HE BEEN SEL BY THE FY-00 USMCR LTCOL SEL BD.

[REDACTED]