



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

BJG  
Docket No: 7753-01  
13 February 2002

MAJ [REDACTED] MC  
[REDACTED]  
[REDACTED]

Dear Major [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 removal of your failure of selection by the Fiscal Year (FY) 2002 Lieutenant Colonel Selection Board and "promotion reconsideration." Your additional request to remove the reviewing officer's certification from your fitness report for 31 December 1998 to 31 July 1999 was not considered, as your previous request to remove the entire report, docket number 5441-01, was considered and denied on 30 August 2001, and you have offered no new and material supporting evidence or other matter concerning the fitness report for 31 December 1998 to 31 July 1999 which was not previously considered.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 February 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 25 October 2001, a copy of which is attached. They also considered your rebuttal letter dated 3 December 2001 with enclosures.

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 found that your official record before the FY 2002 Lieutenant Colonel Selection Board had been properly corrected by removal of the reviewing officer's certification from your fitness report for 1 August to 31 December 1988. They noted that the Master Brief Sheet (MBS) is merely an unofficial tool used by selection boards to assist them in reviewing an officer's official record, and they found that any disparity between the MBS and the official record should be resolved in favor of the official record.

They did recognize that the promotion board may have engaged in unauthorized speculation to the effect that the removed reviewing officer's certification must have been unfavorable to you. However, they noted that the information available to the promotion board would not have revealed exactly how the reviewing officer nonconcurred with the reporting senior. For these reasons, the Board found that the erroneous MBS entry reflecting the reviewing officer's nonconcurrence with the reporting senior most probably would not have harmed your chances for promotion. 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