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

JSR
Docket No: 9678-08
3 September 2009

[REDACTED]

[REDACTED]

[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.

You requested, in effect, explanation of your failures of selection for promotion to captain in the Marine Corps Reserve (active duty promotion boards in 1970 and 1971 and reserve promotion board in 1972) or promotion to captain, without back pay.

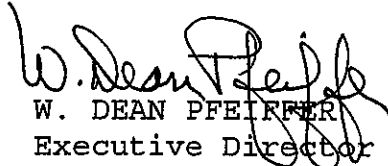
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 September 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 20 November 2008 and 20 and 26 May 2009, copies of which are attached, and your letter dated 19 August 2009 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 substantially concurred with the comments contained in the advisory opinions dated 20 November 2008 and 26 May 2009, except to note you were

released from active duty in the Marine Corps Reserve on 1 July 1971 (not discharged), and you resigned from the Marine Corps Reserve effective 28 February 1973; and your statement of 25 September 2008 appears to relate to the fitness report ending 3 October 1969, rather than the report ending 30 June 1969. 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