



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

JSR.

Docket No: 10607-08
19 March 2009

[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.

It is noted that your date of commissioning as a second lieutenant has been adjusted, as you request, from 13 October 2001 to 13 October 1999; and your date of rank for first lieutenant has been adjusted, as you request, from 13 October 2003 to 13 October 2001.

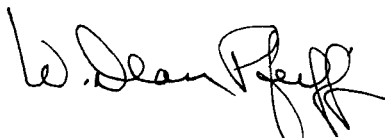
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 March 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 opinion from Headquarters Marine Corps dated 19 February 2009, a copy of which is attached, and your letter dated 12 March 2009.

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,

except paragraphs 4.b and 4.1 and the factual matters addressed in paragraph 2.a of your letter of 12 March 2009. The Board was unable to find any reprisal has been taken against you because of your effort to establish you have a legitimate complaint regarding your constructive service credit. In view of the above, your application for relief beyond that already effected 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,

A handwritten signature in black ink, appearing to read "W. Dean Pfeiffer". The signature is fluid and cursive, with a large, stylized initial "W" and a long, sweeping tail.

W. DEAN PFEIFFER
Executive Director

Enclosure