



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

JSR  
Docket No: 224-09  
23 July 2009

[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.

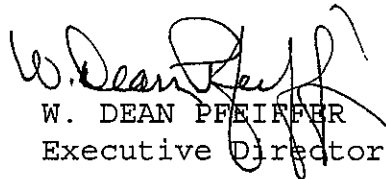
You requested, in effect, removal of your failures of selection by the Fiscal Year (FY) 2005 and 2006 Reserve Staff Sergeant Selection Boards, reflected in the Marine Corps Total Force System by draw case code "AT," whose removal you expressly requested (you referred to it as draw case code "p"). You also requested remedial consideration for promotion for the FY 2004, 2005 and 2006 Reserve Staff Sergeant Selection Boards.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 July 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 (HQMC) dated 27 February and 4 May 2009, copies of which are attached. The Board also considered a copy of your AR (annual reserve) fitness report for 16 June 2003 to 30 September 2004, which was removed from your record by action of the HQMC Performance Evaluation Review Board.

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 dated 4 May 2009 in concluding your selection by the FY 2005 or 2006 promotion board would have been definitely unlikely, even if your record had been corrected. The Board found your request for remedial consideration for the FY 2004 promotion board was without merit, as you were not considered by that promotion board because your occupational field was closed. 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