



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

TAL  
Docket No: 8469-09  
25 June 2010

[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 reconsideration of your previous case, docket number 10453-08, for retirement in pay grade O-6, Colonel. This request was not considered since you did not provide any new or material evidence. You also requested removal of the Commanding Officer, Headquarters Battalion, 4<sup>th</sup> Marine Division letter of 10 April 1997.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 June 2010. 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.

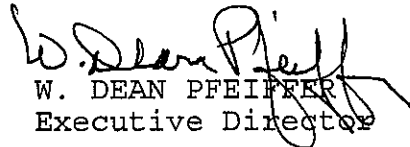
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. You stated in part that, the last two sentences of the letter were derogatory and impugned your character. The Board was unable to find that the statements were derogatory and required your rebuttal. The Board found the letter was required to explain why you were retired from your Commanding Officer's perspective.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your many years of honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant removing the contested document from your record. 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