



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

JSR
Docket No: 446-10
12 May 2011

[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, that your naval record be corrected to show you were not removed from the Fiscal Year (FY) 2007 Gunnery Sergeant Selection List, but were promoted to gunnery sergeant pursuant to your selection by the FY 2007 Gunnery Sergeant Selection Board. You further requested removing, from your Official Military Personnel File (OMPF), correspondence of your relief for cause from duties as Administrative Chief, Region 8. You finally impliedly requested removing the service record page 11 ("Administrative Remarks (1070)") counseling entry dated 25 January 2008.

Your request to remove from your OMPF correspondence of your relief for cause was not considered, as your OMPF contains no such correspondence.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 May 2011. 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 21 June 2010 with references (b) and (c), 6 July 2010, 18 October 2010, 2 December 2010 and 20 January 2011 with reference (c), and the HQMC e-mails dated 4 February and 8 December 2010, copies of which are attached, as well as your letter dated 6 May 2011 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 6 July 2010 and 20 January 2011.

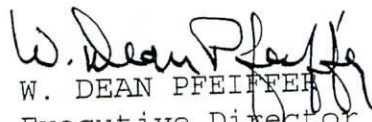
The Board found that the recommendation of 3 April 2008 to delay your promotion could not have mentioned the "mission capable" inspection results that were not reported until 6 May 2008 (enclosure (10) to your letter of 6 May 2011). Further, the Board was unable to find your promotion would not have been delayed, had the results of the inspection, which was conducted on 12 February 2008, been available. The Board recognized that in correspondence of 30 May 2008, your command recommended that you be promoted on 1 June 2008. However, notwithstanding the non-derogatory fitness report the command gave you for 1 June to 31 December 2007, the supporting statements you provided and the inspection results, the Board was unable to find that you did not display the deficiencies reflected in the contested counseling entry or those cited as the basis for removing you from the selection list. The Board was likewise unable to find that either the issuance of the counseling entry or your removal from the selection list was a punitive measure, or that either action was taken in reprisal for your request mast concerning the delay of your promotion, because of your family issues, or for any other improper reason. In this regard, the Board was unable to find that First Sergeant H--- was biased against you, that any of the actions taken against you were the result of such bias, or that you were set up to fail. The Board did find that although it was not submitted, the letter of 18 January 2008 requesting your relief for good of the service (enclosure (16) to your letter of 6 May 2011) reflected the command's belief that your limited background for your job, together with your family issues, impaired your performance. The Board was unable to find you did not receive adequate counseling about perceived deficiencies, noting that the request of 12 June 2008 for your relief for cause stated you had received "daily performance monitoring, counselings, development of work aides [sic], and Group headquarters assistance visits," and further

noting that counseling takes many forms, so the recipient may not recognize it as such when it is provided. Finally, the Board could not find you were never given a clear understanding of your role as the Administrative Chief, Region 8.

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