



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

JSR

JSR
Docket No: 1239-10
29 April 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 a remedial selection board for the Fiscal Year 2011 Active Reserve Major Selection Board, impliedly requesting removal of your failure of selection by that promotion board. You further requested that your record be updated to reflect the change of your military occupational specialty (MOS) from 0802 (field artillery officer) to 1302 (combat engineer officer). It is noted that the Marine Corps Total Force System has been corrected to show your MOS as 1302.


A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 April 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. In addition, the Board considered the advisory opinion from Headquarters Marine Corps dated 22 March 2010, a copy of which is attached, and your letter dated 9 April 2010 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 opinion. The documents submitted with your letter of 9 April 2010 did not persuade the Board that you should have been selected for promotion. 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,


W. DEAN PFEIFFER
Executive Director

Enclosure