



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

JSR
Docket No: 2384-10
29 July 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, in effect, removing your failure of selection by the Fiscal Year (FY) 2011 Lieutenant Colonel Selection Board.


A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 July 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 opinions from Headquarters Marine Corps (HQMC) dated 26 April 2010 and 13 July 2010 with reference (b), the Memo for Record dated 28 April 2010, and the HQMC (MMPR-1) e-mail dated 16 July 2010 with attachment (figures 1 through 6), copies of which are attached, and your letter dated 16 July 2010.

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 13 July 2010 and particularly noted figures 2 and 5 of the

attachment to the MMPR-1 e-mail. While the Board recognized that your record considered by the promotion board was not corrected precisely as it should have been, in that the reviewing officer's identifying information was erroneously omitted from the otherwise properly corrected fitness report for 1 June 2007 to 7 May 2008, the Board found this error would not have affected your competitiveness for promotion. The Board noted that the statement, in section 4.A of MARADMIN 0418/09, Convening of the FY 11 U. S. Marine Corps Colonel, Lieutenant Colonel, and Major Promotion Selection Boards, that "OMPF [Official Military Personnel File] and MBS [master brief sheet] are distributed to the boardroom in advance of the convening date" refers to distribution to those administering the promotion board, rather than the members of the promotion board. 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