



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

JSR
Docket No: 13802-10
10 March 2011

[REDACTED]

[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 that your staff sergeant date of rank and effective date be adjusted from 1 October 2006 to 1 December 2005, to reflect selection by the Fiscal Year (FY) 2005 Staff Sergeant Selection Board, rather than FY 2006.

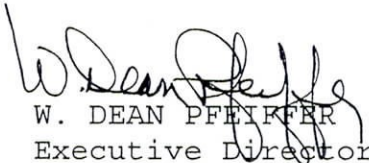
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 March 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 opinion from Headquarters Marine Corps (HQMC) dated 1 March 2011 and the HQMC e-mail dated 7 January 2011, copies of which are attached, and a copy of your adverse fitness report for 18 April to 22 November 2002 whose removal has been directed by 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 was unable to find your selection by the FY 2005 Staff Sergeant Selection

Board would have been probable, had your record not included the fitness report whose removal was later directed. In this regard, the Board particularly noted that you were selected with the fitness report in your record, and that information provided to both the FY 2005 and 2006 promotion boards, other than that included in the fitness report, documented your nonjudicial punishment of 13 November 2002. 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