



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

BAN
Docket No. 02490-11
31 May 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 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, his naval record and applicable statutes, regulations and policies. The Board considered the advisory opinion (A/O) furnished by Headquarters Marine Corps (HQMC) memo 1400/3 MMRP-2 of 31 Mar 11, (a copy has already been provided to you), and your response to the A/O.

As you know, advancement to E7 is highly competitive. Only a limited number of vacancies exist and there are many highly qualified candidates. You were considered, but not selected for promotion, by the FY 2007 and FY 2008 promotion boards.

You were selected for advancement by the FY 2009 promotion board. Your application states that you disclosed your medical condition before being selected. You argue, therefore, that your failure to be selected in FY 2007 and FY 2008 must have been related to your medical condition and/or the limitations on your duty assignments. The Board understood and carefully considered your argument. However, the Board was not persuaded that those factors resulted in your failure to be selected in FY 2007 and FY 2008.

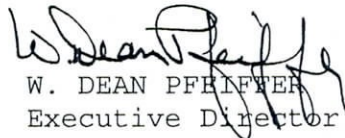
The FY 2007 or FY 2008 promotion boards considered you for promotion as a whole person by assessing your overall performance, experience, and knowledge. They examined a variety of performance factors including your military proficiency, performance of duty, conduct, time in service, time in grade, awards, decorations, and the like. The Board found that you were not passed over simply due to your medical status as you allege. Nor were you passed over simply because your medical status limited your duty assignments. Promotion boards take into account the fact that some individuals do not have the opportunity to serve in a wide variety of demanding assignments.

Candidates having less variety or less demanding tours may be equally qualified for promotion depending upon their overall performance, experience, and knowledge.

The Board noted that when you were subsequently selected for advancement in FY 2009, you had an additional year of performance and experience as an E-6 and an improved breadth of knowledge as an administrative chief. In a highly competitive promotion environment, this additional year is not insignificant. Under these circumstances, the Board was not persuaded that your failure to be selected in FY 2007 and FY 2008 was simply the result of the factors you mention. The Board found no error or injustice in the results of the FY 2007 and FY 2008 promotion boards. 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 also 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 PFRIFFER
Executive Director

Enclosure