



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

JSR

JSR
Docket No: 6760-11
21 July 2011

[REDACTED]

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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.

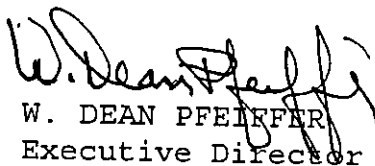
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 July 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 15 June 2011, a copy of which is attached, and your letter dated 29 June 2011 with enclosure.

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 report of the PERB. The Board was unable to find the contested fitness report incorrectly reflected your billet description, that it failed to cite accomplishments of such significance that they should have been noted expressly, or that the reporting senior did not take full account of your accomplishments in evaluating you. Since

the Board found no defect in your performance record, and it found, for the reasons stated in paragraph 3.c of the PERB report, that the letter on your behalf dated 2 August 2010 from the Commanding Officer, Marine Aerial Refueler Transport Squadron 352 to the President of the Fiscal Year (FY) 2012 Lieutenant Colonel Selection Board would not have materially enhanced your chances of selection by that promotion board, had it been considered, the Board found that your failures of selection by the FY 2009 through 2012 Lieutenant Colonel Selection Boards should stand, and action to effect your mandatory retirement on 1 November 2012 should not be set aside. 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