



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

BJG  
Docket No: 2465-99  
22 July 1999

[REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear First Sergeant [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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 July 1999. 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 furnished by Headquarters Marine Corps, dated 27 May 1999, a copy of which is attached. They also considered your rebuttal letters dated 30 June and 10 July 1999 with enclosure. Finally, they considered your Inspector General of the Marine Corps (IGMC) Hotline Complaint 990319-1 completion report, and the Deputy Naval Inspector General for Marine Corps Matters/IGMC letter to you dated 29 June 1999.

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. They duly noted the substantiated irregularities found by the investigation of your complaint to the IGMC. Despite these irregularities, they found that your wish to have a more senior service member administer the chemical test for your blood alcohol content did not justify your refusal to submit to the test. 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.

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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



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

2465-99

IN REPLY REFER TO:  
1400/3  
MMPR-2  
27 May 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF FIRST SERGEANT [REDACTED]  
[REDACTED] JSMC

Ref: (a) CMC ltr 1450/5 MMPR-2 of 21 Oct 1998

1. First Sergeant [REDACTED] requested reinstatement of his selection to Sergeant Major for the 1998 Sergeant Major through Master Sergeant Selection Board.
2. The Commandant of the Marine Corps (CMC) administratively deleted First Sergeant [REDACTED] from the 1998 Sergeant Major through Master Sergeant selection list after his failure to maintain the high standards of personal and professional performance expected of a Staff Noncommissioned Officer. The reference applies.
3. Since First Sergeant [REDACTED] records have not changed, he is not eligible for the reinstatement of his selection to the rank of sergeant major. It is recommended that his petition for reinstatement to Sergeant Major be denied.

[REDACTED]

[REDACTED]  
Assistant Head, Enlisted Promotions  
Promotion Branch  
By direction of  
the Commandant of the Marine Corps