



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

LCC:tj
Docket No: 5640-98
10 August 1999

SSGT [REDACTED] USMCR
[REDACTED]
[REDACTED]

Dear STAFF 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 10 August 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 CMC memorandum 1400/3 MMRP 2 of 19 July 1999, a copy of which is attached.

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. 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 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



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

IN REPLY REFER TO:
1400/3
MMPR-2
19 Jul 99

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

Subj: ADVISORY OPINION IN THE CASE OF STAFF SERGEANT [REDACTED]
[REDACTED] USMCR

Ref: (a) CMC, ltr 1450/4 MMPR2 of 7 Oct 97

1. Staff Sergeant [REDACTED] requests that his selection to staff sergeant be backdated to reflect a date of rank (1 July 1998) for his selection by the 1997 Regular Staff Sergeant Selection Board.
2. Research of our records indicate that Staff Sergeant [REDACTED] was selected to staff sergeant by the Regular 1997 Staff Sergeant Selection Board. The board was approved on 26 September 1997. However, per the reference, the Commandant of the Marine Corps (CMC) administratively deleted Staff Sergeant [REDACTED] from the 1997 Staff Sergeant selection list due to him being assigned an RE-30 reenlistment code for refusal of permanent change of station orders. He then transferred to the Selected Marine Corps Reserve (SMCR) where he was considered for promotion by the 1998 (SMCR) Reserve Selection Board and was selected. His seniority number (85) was reached for promotion on 1 March 1999.
3. Staff Sergeant [REDACTED] does not rate a backdate of rank for promotion to staff sergeant. His date of rank is correct as 1 March 1999. Recommend his petition be denied.

Richard B. Fitzwater
Richard B. Fitzwater.
Assistant Head, Promotion Branch
By direction of
the Commandant of the Marine Corps