



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 8519-98
6 May 1999

MA [REDACTED] USMC RET
[REDACTED]
[REDACTED]

Dear M [REDACTED]

This is in reference to the letter on your behalf dated 21 July 1998 from the Honorable William R. Jenkins to the Secretary of the Navy. This has been treated as a request for reconsideration of your previous applications for correction of your naval record pursuant to the provisions of title 10, United States Code, section 1552.

In one of your previous cases, docket number 15319-87, your request to strike your failure by the Fiscal Year (FY) 1988 Lieutenant Colonel Selection Board was denied on 10 February 1988; in another previous case, docket number 1368-89, your request to strike your failures by the FY 1988 and 1989 Lieutenant Colonel Selection Boards was denied on 8 February 1989; and in a third previous case, docket number 670-91, your request for a special selection board was denied on 13 June 1991.

You now request removal of all references to your resignation of 1984; granting of a special selection board for the FY 1987 Lieutenant Colonel Selection Board; and by implication, removal of your failures by the FY 1988 through 1992 Lieutenant Colonel Selection Boards.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 5 May 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 Congressman's letter; the Board's files on the following previous cases: docket numbers 10729-86, 15319-87, 1368-89, and 670-91; your naval record and applicable statutes, regulations and policies. In addition, the Board considered the memorandum from the Headquarters Marine Corps (HQMC) Records Correspondence Section, Personnel Management Support Branch (MMSB-11), dated 7 January 1999; the advisory opinion from the HQMC Records Correspondence Section (MMSB-13), dated 9 February 1998 (sic); and the advisory opinion from the HQMC Officer Counseling and Evaluation Section, Officer Assignment Branch (MMOA-4), dated 23 February 1999, copies of which are attached. Finally, they considered your letters dated 5 April and 29 April 1999 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.

Review of your current Official Military Personnel File reveals no reference to your resignation request. In your letter of 5 April 1999, you stated that the Marine Corps still has not purged your record of all references to your resignation; but you did not specify what, if any, such references remained.

In light of the memorandum from MMSB-11 dated 7 January 1999, the Board found that your resignation material was available to the FY 1987 through 1992 Lieutenant Colonel Selection Boards. However, they substantially concurred with the comments contained in the advisory opinion from MMOA-4 in concluding that your selection by the FY 1987 selection board would have been unlikely in any event. They recognized that in your prior case, docket number 10729-86, they found it likely that your corrected record before the FY 1987 selection board would have been competitive. However, they reached this conclusion without input from HQMC regarding this issue. They found the MMOA-4 advisory opinion equally applicable to your failures by the FY 1988 through 1992 promotion boards. Finally, they found that you should have started action to have the resignation material removed, under Secretary of the Navy Instruction 1920.6A, change 1, dated 17 April 1984, before your consideration by the FY 1987 promotion board, which convened in 1986.

In view of the above, the Board again voted to deny relief. 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

Enclosures

1070
MMSB-11
7 Jan 1999

MMSB COMMENT on Code MMPR Routing Sheet of 9 Dec 1998

Subj: SPECIAL SELECTION BOARD REQUEST IN CASE OF [REDACTED]
[REDACTED] USMC (RET)

1. Per instructions from the Executive Director, Board for Corrections of Naval Records, Major [REDACTED] Official Military Personnel File (OMPF) was corrected on 19 February 1987 in accordance with the Chairman's letter of 27 January 1987 to the Commandant of the Marine Corps. However, the uncorrected S02 microfiche of Major [REDACTED] OMPF, which contained the resignation material, was inadvertently maintained along with the corrected S02 microfiche. We have now removed the uncorrected microfiche from his OMPF. A copy of the corrected microfiche is furnished for your information. The removal of Major [REDACTED] request for resignation did not involve correction of the Master Brief Sheet.

[REDACTED]

By direction



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
PERSONNEL MANAGEMENT SUPPORT BRANCH (MMSB)
2008 ELLIOT ROAD
QUANTICO, VA 22134-5030

IN REPLY REFER TO:

1070

MMSB-13

9 Feb 1998

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

Subj: ADVISORY OPINION; CASE OF FORMER MAJOR [REDACTED]
[REDACTED] JSMC

1. No action is required by this Section. Per BCNR letter of 27 Jan 87, [REDACTED] letter of resignation was removed from his OMPF on 19 Feb 87.

[REDACTED]
Head

Records Correspondence Section
Personnel Management Support Branch
By direction of the
Commandant of the Marine Corps



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1600
MMAA-4
23 Feb 99

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

Subj: BCNR PETITION FOR MAJOR [REDACTED]
[REDACTED] USMC (Ret)

Ref: (a) MMR Request for Advisory Opinion in the case of
Major [REDACTED] USMC (Ret) of
8 Jan 99

1. Per the reference, we reviewed Major [REDACTED] record and petition. Major [REDACTED] first failed selection on the FY87 USMC Lieutenant Colonel Selection Board. He believes his record contained material error, the presence of resignation material that the Board for Correction of Naval Records had previously directed removed from the record. Major [REDACTED] believes this material adversely affected his consideration by the Board.

2. In our opinion, the resignation material does present slight jeopardy to the record. However, his service is characterized as honorable and he is recommended for a Reserve commission by Reserve Division on 840510. Furthermore, on 840801 the 4th Marine Aircraft Wing strongly supported his request to withdraw the resignation, citing his "unlimited value to the USMC."

3. While the presence of the material did present slight jeopardy to the record, we believe the following areas of competitive concern more than likely cause [REDACTED]'s failure of selection:

a. **Value and Distribution.** As a major, he has three officers ranked above him and three below. Also, his General Value to the Service immediately prior to the Board is identified as Excellent-Outstanding.

b. **Section B trends.** Major [REDACTED] record contains less competitive Section B marks in Administrative Duties, Training Personnel, Judgment, Force and Economy of Management. We note the trends in Administrative Duties, Training Personnel and Economy of Management continue into the last reporting period prior to the Board.

Subj: BCNR PETITION FOR MAJOR [REDACTED]
[REDACTED] USMC (Ret)

c. **Professional Military Education.** Major [REDACTED]'s record contains no documentation that he completed the nonresident Command and Staff College prior to the Board.

4. In summary, we do not believe the presence of the resignation material in the record deprived Major [REDACTED] of a fair and complete evaluation by the Board. However, even if the material was removed from the record, we believe the above areas of competitive concern more than likely caused his failure of selection. Their occurrence in his current rank and prior to the Board presents the majority of competitive concern to the record.

[REDACTED]

Major, U. S. Marine Corps
Head, Officer Counseling and
Evaluation Section
Officer Assignments Branch
Personnel Management Division