



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

BJG
Docket No: 3550-99
27 September 1999

LTCOL [REDACTED] SMCR
[REDACTED]
[REDACTED]

Dear Colonel [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. You requested reevaluation for promotion to colonel, with an implied request to remove your failure by the Fiscal Year 2000 Reserve Colonel Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 September 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 opinions furnished by Headquarters Marine Corps dated 23 July and 3 August 1999, copies of which are attached. They also considered your rebuttal letter dated 7 September 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 opinions. 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

Enclosures



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

IN REPLY REFER TO:
1000
RAP-22
23 JAN 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF LIEUTENANT COLONEL [REDACTED] USMCR

- Ref: (a) Title 10 U.S.C. Section 614
- (b) MCO P1400.31A Marine Corps Promotion Manual, Volume 1, Officers Promotions (MARCORPROMAN VOL 1 OFFPROM)
- (c) ALMAR 268/98 of 2 Jul 98
- (d) MARADMIN 033/99 of 29 Jan 99

1. We have reviewed the subject application and do not support the implied request for removal of Failure of Selection (FOS) status with provision of the following opinions:

a. Lieutenant Colonel [REDACTED] stated that he was unaware of notifications announcing the convening of the FY00 Reserve Colonel Promotion Selection Board and accordingly disadvantaged in promotion consideration. While reference (a) mandates a notice of convening and identified zones be published at least 30 days before a selection board is convened, reference (b) further stipulates that an ALMAR be published annually identifying convening dates for selection boards 6 to 8 months prior to commencement of the board season. References (c) and (d) met notification criteria requirements for the FY00 board. In the performance of his duties, in his capacity of Individual Mobilization Augmentee (IMA) attached to Marine Forces Pacific, Lieutenant Colonel [REDACTED] would have had access to military message receipt sources and Internet based informational postings of these notices.

b. In February 1998 Lieutenant Colonel [REDACTED] received a courtesy advisory notification letter from the Marine Corps Reserve Support Command (MCRSC) identifying and informing him of promotion eligibility for consideration by the FY99 Reserve Colonel Board. He stated that this correspondence constituted a precedent upon which he should have received a similar notification for the FY00 board. While MCRSC generally sends out eligibility notifications, there is no regulatory requirement to do so. The courtesy advisements are an extension of MCRSC's concern and mission intent to provide support through assistance and guidance. Lieutenant Colonel [REDACTED] argument that the absence of such notification negatively impacted his opportunity for promotion selection is without merit.

c. Cognizant of eligibility for promotion consideration in the "below-zone" population for the FY99 Reserve Colonel Promotion Board convening on 10 March 1998, it would logically follow that the window of eligibility would also be applicable to the annual board following in FY00 as an "in-zone" candidate. The FY00 Reserve Colonel Promotion Board convened on 9 March 1999. As provided in enclosure in his petition, Lieutenant Colonel [redacted] was aware of his promotion consideration for the FY99 board.

2. No compelling evidence has been submitted that would substantiate a claim of material error which would have denied access to or negation of promotion consideration and subsequent removal of the FOS for the FY00 board. Alternatively, per reference (b), Lieutenant Colonel [redacted] could petition for consideration by a Special Selection Board if he ascertains that he was not properly considered.

3. IMA members of the Ready Reserve may contact MCRSC, toll-free, if any questions regarding Reserve status, promotions, or participation arise. Additionally, published notices of convening and selection board information announcements are available from a myriad of sources. Ultimately, it is incumbent upon the individual officer to remain apprised of his or her promotion eligibility and monitor his or her personal career in the Marine Corps Reserve.

4. Reserve Affairs Division defers to the Promotions Branch (MMPR) of the Personnel Management Division for opinion and comment on the promotion process, FOS, and any remaining claims.

5. Point of contact at this Division is [redacted] (702) [redacted]



[redacted] Marine Corps Reserve
Assistant Deputy Chief of Staff for
Manpower and Reserve Affairs for
Reserve Affairs
Acting



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:
1412/1
MMPR
3 Aug 99

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

Subj: ADVISORY OPINION IN THE CASE OF LIEUTENANT COLONEL [REDACTED]
[REDACTED] USMCR

- Ref: (a) Title 10 U.S.C. Section 14105
- (b) MCO P1400.31A Vol 1, par 2100
- (c) MARADMIN 033/99 of 29Jan99
- (d) ALMAR 268/98 of 2Jul98
- (e) MRA ltr 1000 RAP-22 of 23Jul99

1. After a careful review of our files, the following comments apply:

a. Lieutenant Colonel [REDACTED] was considered as an in zone officer but not selected by the FY00 U.S. Marine Corps Reserve Colonel Promotion Selection Board.

b. Notification requirements - We meet the notification requirements stated in references (a) and (b) by publishing MARADMIN'S at least 30 days prior to the convening of each promotion board, and normally 7 months prior to the commencement of the new FY Officer promotion board season respectively. Both references address the responsibilities of eligible officers. Additionally, reference (c) identifies the officers in the promotion zones.

c. Points of contact - References (c) and (d) clearly provide telephone numbers. Additionally, reference (c) the 30 day notification MARADMIN provided internet site information.

2. We concur with the assessments stated in reference (e). We feel the responsibility ultimately rests with the individual to make a reasonable effort to stay abreast of promotion opportunities.

Subj: ADVISORY OPINION IN THE CASE OF LIEUTENANT CO [REDACTED]
[REDACTED] 2370502 USMCR

3. Point of contact i [REDACTED]

[REDACTED]

Assistant Branch Head
Promotion Branch
Headquarters, U.S. Marine Corps