



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

BJG
Docket No: 3877-99
29 September 1999

[REDACTED] JSMCR
[REDACTED]
[REDACTED]

Dear Lieutenant [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 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 opinion from Headquarters Marine Corps dated 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. They were unable to find that you exercised due diligence to check whether your record before the Fiscal Year (FY) 1999 Captain Selection Board included your Marine Corps Institute certificate. Further, they found the matters cited in paragraph 4.a of the advisory opinion contributed to your failure by the FY 1999 Captain Selection Board. Since the Board found an insufficient basis to remove your failures by the FY 1999 and 2000 Captain Selection Boards, they had no grounds to set aside your release from active duty on 15 September 1999. 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

Enclosures



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

IN REPLY REFER TO:

1610
MMA-4
19 Jul 99

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

Subj: BCNR PETITION FOR FIRST LIEUTENANT [REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
First Lieutenant [REDACTED] USMC of 7 Jul 99

1. Recommend disapproval of First Lieutenant [REDACTED] request for removal of his failures of selection.
2. Per the reference, we reviewed First Lieutenant [REDACTED] record and petition. He failed selection on the FY99 and FY00 USMC Captain Selection Boards. He believes a material error, a missing MCI completion certificate, caused his failures of selection. Subsequently, he petitioned to have his failures of selection removed.
3. In our opinion, First Lieutenant [REDACTED] petition is without merit. The missing MCI certificate may have been a factor in his failure of selection on the FY99 Board, but the lack of a promotion photograph on that Board may have reflected negatively on his initiative and attention to detail and more than likely led to his failure of selection. The letter of explanation from MCI regarding First Lieutenant [REDACTED] completion of Warfighting Skills is dated 26 Jun 98. Therefore, course completion information should have been available to the FY00 Board.
4. The cumulative effect of the following areas of competitive concern more than likely led to First Lieutenant [REDACTED] failure of selection on the FY00 Board.

a. **Section B Marks.** First Lieutenant [REDACTED] record contains less competitive Section B marks in Administrative Duties, Training Personnel, Attention to Duty, Cooperation, Initiative, Judgment, Force, Personal Relations, Economy of Management and General Value to the Service.

b. **PFT Score.** First Lieutenant [REDACTED] record contains two fitness reports in a row covering the period 971015 to 980630 on which block 5a. is marked "NREQ", indicating First Lieutenant [REDACTED] had not run a PFT for the first six month period of 1998. We note First Lieutenant [REDACTED] signed block 22 on both reports

Subj: BCNR PETITION FOR FIRST LIEUTENANT [REDACTED] R.
[REDACTED] JSMC

indicating that the information in Section A of the reports was correct. The lack of a PFT score may have reflected negatively on First Lieutenant [REDACTED] initiative and attention to detail.

5. In summary, we believe First Lieutenant [REDACTED] petition is without merit. The missing MCI certificate may have been a factor in his failure of selection on the FY99 Board, but the lack of a promotion photograph more than likely led to his failure of selection on that Board. The letter of explanation from MCI regarding First Lieut. [REDACTED] completion of Warfighting Skills is dated 26 Jun 98. Therefore, course completion information should have been available to the FY00 Board. Lastly, we recommend disapproval of his petition to remove his failures of selection.

5. Point of contact is Lieutenant Colonel [REDACTED]



Lieutenant Colonel, U. S. Marine Corps
Head, Officer Evaluation and
Counseling Section
Officer Assignment Branch
Personnel Management Division