



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1187-99

22 June 2000

[REDACTED]

Dear [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 20 June 2000. 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 25 August, 1 September, 21 October and 8 November 1999, copies of which are enclosed. The Board also considered your rebuttal to the first two advisory opinions, which was received by the Board on 29 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.

The Board noted that you have been returned to active duty to earn active duty retirement. Therefore, it appears that your contention that you did not waive your sanctuary zone protection and had over 18 years of active duty has been resolved in your favor.

Concerning your request for promotion, it is clear from the advisory opinions that very few individuals in your Military Occupational Specialty (MOS) are promoted, and in several recent years, no one was promoted. Whether or not there were allocations for your MOS in 1994 and 1995 is unknown, but even if there were, the promotions were apparently extremely limited. However, HQMC has indicated that you were not eligible for promotion in those years because you had not been recommended by the Marine Corps Reserve Support Center. Therefore, 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

08/28/99

10:41

07/03 1 8857

BLNR

0004



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

IN REPLY REFER TO:

1000

RAM-7

25 Aug 99

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

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) Honorable Jesse Helms ltr 5730 OLAC-5S of
23 March 1999
(b) CMC msg 040541Z Aug 97
(c) CMC msg 230543Z Sep 98
(d) CMC msg 260543Z Jul 99

1. Per reference (a), [REDACTED] has been issued orders authorizing him to serve an additional 344 days of active duty which will qualify him for retirement.

2. [REDACTED] became eligible for promotion to Master Sergeant during the 1997 Selected Marine Corps Reserve (SMCR) promotion board however, was not selected due to keen competition. Reference (b) is the 1997 selection message. Reference (c) and (d) are the 1998 and 1999 CMC messages, each indicating there are no allocations for Master Sergeant.

3. Point of contact is Captain [REDACTED] at (703) 784-9133/34.

[REDACTED]
Head, Reserve Affairs
Personnel Management Branch
Reserve Affairs Division
By direction

09/28/99 10:41

703 6 3857

BUNK



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
1 Sep 99

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

1. [REDACTED] was considered for selection to master sergeant by the 1997 Reserve Staff Noncommissioned (SNCO) Selection Board. He was also considered by the 1997 and 1998 selection boards for selection to first sergeant. He was not selected for promotion by any of the boards who considered his record. There were no allocations for promotions to [REDACTED] in his Military Occupational Specialty (MOS) of 3432 in 1998. It should be noted that there are no allocations for selection to master [REDACTED] in his MOS for the upcoming 1999 Reserve Staff Noncommissioned Officer (SNCO) Selection Board which will convene on 13 October 1999.

2. Point of contact is Mr. [REDACTED] at (703) 784-9710/11

[REDACTED]
Assistant Head, Enlisted Promotions
Promotion 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:

1000
RAMA
21 Oct 99

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

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED]

Ref: (a) BCNR ltr 1187-99 dtd 5 Oct 99
(b) Gunnery Sergeant [REDACTED] ltr undtd

1. In response to references (a) and (b), Reserve Affairs has once again reviewed [REDACTED] case. Unfortunately, the facts have not changed since Reserve Affairs response dtd 25 Aug 99.
2. As previously stated, [REDACTED] was not eligible for promotion to E-8 prior to 1997.
3. In order to take care of our Marines, Reserve Affairs has already authorized [REDACTED] an additional 344 days of Active Duty Special Work (ADSW) so that, although a reservist, he would qualify for an active duty retirement.
4. I can be reached at 703-784-9105/06.

[REDACTED]
Head, Reserve Affairs
Personnel Management Branch
Reserve Affairs Division
By direction



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
8 Nov 99

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

Ref: (a) Gunnery Sergeant [REDACTED] ltr undtd
(b) CMC ltr 1400/3 MMPR-2 of 1 Sep 99
(c) Head, RA ltr 1000 RAMA of 21 Oct 99

1. In reply to reference (a), recommend that [REDACTED] request for remedial consideration is denied.. As stated in reference (b), he was considered for selection to first/master sergeant by the 1997 and 1998 Reserve Staff Noncommissioned (SNCO) Selection Board and was not selected.

2. Extended research of our records indicate that he was also considered In Zone (SMCR) for first/master sergeant by the 1996 Reserve SNCO Selection Board and was not selected. [REDACTED] was a member of the Individual Ready Reserve (IRR) from 1994 to 1995. An IRR Marine must be recommended by the Marine Corps Reserve Support Center (MCRSC) to be considered by a selection board. [REDACTED] name was not listed on the recommendation list to be considered for promotion for the 1994 to 1995 Reserve SNCO Selection Boards. [REDACTED] name was administratively deleted from the 1993 Regular Sergeant Major through [REDACTED] Selection Board due to his separation from the Marine Corps under the Special Separation Benefits Program.

3. Per reference (c), [REDACTED] Stackfield has been awarded an additional 344 days of Active Duty Special Work to qualify him for an active duty retirement. [REDACTED] is eligible to be considered for promotion to [REDACTED] In Zone in MOS 3432 by the 1999 Reserve SNCO Promotion Board, however, there are no allocations for his Military Occupational Specialty (MOS) of 3432.

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