



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

BJG
Docket No: 5507-01
4 October 2001

CAPT [REDACTED] USMC
[REDACTED]

Dear Captain [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 that your captain date of rank and effective date be adjusted to reflect selection by the Fiscal Year (FY) 1999 Captain Selection Board, vice the FY 2000 Captain Selection Board. You also impliedly requested removing your failure by the FY 1999 Captain Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 October 2001. 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 10 and 14 August 2001, copies of which are 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 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
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

5307-11

IN REPLY REFER TO:

1412/2
MMPR
10 AUG 2001

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

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

Ref: (a) MMR Route Sheet of 1 Aug 01

1. Reference (a) requested an advisory opinion in the case of Captain [REDACTED]. Captain [REDACTED] is requesting an adjustment to his date of rank and effective date where he would have been placed, had he been selected by the FY99 USMC Captain Promotion Selection Board.

2. The following facts are germane:

a. Captain Turner was eligible, as an in zone officer, and failed of selection on the FY99 USMC Captain Promotion Selection Board, which convened on 980303.

b. Captain [REDACTED] was subsequently considered and selected, as an above zone officer, on the FY00 USMC Captain Promotion Selection Board, which convened on 990302. He was promoted to captain on 990801.

c. Captain [REDACTED] does not provide any justification to warrant consideration of his request. He fails to provide evidence that the board acted contrary to law, the action of the board involved material error of fact or material administrative error, or the board did not have material information before it.

d. Captain [REDACTED] argument that he had the exact same record in FY99 as in FY98 is unfounded. Captain [REDACTED] had an additional year of observation time as a first lieutenant for the FY99 board.

3. Promotion Branch recommends disapproval of Captain [REDACTED] request for a back date of rank. Captain [REDACTED] fails to provide evidence to support his case. If granted, his date of rank to

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

captain would be 980901. This is the date of rank he would have had if the FY99 board had selected him.

4. The point of contact in this matter is Chief Warrant Officer [REDACTED]

[REDACTED]

Head, Officer Promotion Section

5507-01



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

IN REPLY REFER TO:

1600
MMOA-4
14 Aug 01

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

Subj: BCNR PETITION FOR CAPTAIN [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
Captain [REDACTED]
USMC of 1 Aug 01

1. Recommend disapproval of Captain [REDACTED]'s request for removal
of his failure of selection and backdating his date of rank.

2. Per the reference, we reviewed Capt [REDACTED]'s record and
petition. He failed selection on the FY-99 USMC Captain
Selection Board. Captain [REDACTED] was subsequently selected on
the FY-00 USMC Captain selection board. Captain [REDACTED]
petition requests backdating his date of rank.

3. In our opinion, Captain [REDACTED]'s record, as it appeared
before the boards, was complete, accurate, and provided a fair
assessment of his performance. On the FY-99 board, Captain
[REDACTED] record only contained 5 months of observed time in a
fleet replacement squadron. In the subsequent board, an
additional year of observed fitness report time was available
for review. Because there were no material corrections to the
record, we recommend disapproval of Captain [REDACTED]'s request for
removal of his failure of selection and backdating his date of
rank.

4. POC is M [REDACTED] at (70 [REDACTED])



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