



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

LCC:tj
Docket No: 4214-99
17 August 1999



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 17 August 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 furnished by CMC Memorandum 1400/3 MMPR-2 of 28 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. 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

Enclosure



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

IN REPLY REFER TO:
1400/3
MMPR-2
28 Jul 99

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

Ref: (a) P1400.32A (Enlisted Promotion Manual)

1. [REDACTED] was properly promoted to lance corporal with a date of rank of 2 September 1993 and effective date of 1 October 1993. Marines who are meritoriously promoted as a result of being an honor graduate at recruit training or formal schools are properly promoted for pay purposes effective the date of graduation. The date of rank is adjusted to the second day of the month, however, for pay purposes the effective date cannot be antedated.

2. Per paragraph 2400.5 of the reference, meritorious promotions to PFC and LCpl effected under the provisions of Section 2 of Chapter 4 are not entitled to remedial adjustment of their effective dates of promotion for pay purposes. These promotions are properly effected for pay under the special provisions provided which do not normally occur on the 1st day of a month; therefore, they should not be misinterpreted as an administrative error by the command.

3. Since [REDACTED] graduated on 1 October 1993, the effective date was properly assigned. Recommend his petition be denied.

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