



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

ELP
Docket No. 2192-01
4 October 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Navy 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.

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 records provided by the National Personnel Records Center for the Board's review were incomplete. However, the Board found that you reenlisted in the Marine Corps on 30 August 1979 for four years as a LCPL (E-3). At the time of your reenlistment, you had completed more than four years of prior active service.

The record reflects that you were promoted to SGT (E-5) on 1 January 1982. A fitness report for the period 1 April to 6 May 1983 reported your reduction in grade. It noted that you were reduced in rank at battalion office hours for possession of marijuana. You were not recommended for promotion. The non-judicial punishment (NJP) is not on file in the record and there is no evidence that the reduction in rank was suspended.

On 18 August 1983, the Commandant of the Marine Corps (CMC) notified you that a review of your official record indicated that you had failed to maintain the high standards of professional

performance which were required to uphold the prestige and authority of Marine noncommissioned officers. CMC specifically noted the substandard performance trend reflected in the fitness report ending in September 1982, that you had not been recommended for promotion on the last three fitness reports, and those reports rated you below your contemporaries in the marking category of value to the service. You were warned that failure to attain and maintain Marine Corps professional standards could result in denial of further service.

You state that you were honorably discharged on 27 August 1983. However, a copy of the DD Form 214 you were issued is not on file in the record.

The Board noted your contention that your reduction in rank from SGT to CPL was suspended for three months, and the DD Form 214 you were issued should have shown you were discharged in the rank of SGT. After a careful search of available records, the Board found no evidence that the reduction in rank was suspended, and you have provided no evidence to support your claim. The Board specifically noted that there would have been no basis for the reduction in grade fitness report ending 6 May 1983 had the reduction in rank been suspended. Further, it is unlikely that a reduction in grade would have been suspended for the drug related offense which resulted in your NJP. Absent evidence to the contrary, a presumption exists that the rank shown on the DD Form 214 is correct. Furthermore, your signature on the DD Form 214 certifies that you reviewed the form and the information contained therein was correct. 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