



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

BJG
Docket No: 8296-01
7 November 2002

MSGT [REDACTED] USMCR AR
[REDACTED]
[REDACTED]
[REDACTED]

Dear Master Serge [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.

The attached memorandum for the record dated 4 November 2002 shows that appropriate corrective action has been taken by the Commandant of the Marine Corps (CMC) regarding the contested Marine Corps Total Force System (MCTFS) entry of 18 February 1993, reflecting that you had a "GCM" (general court-martial) on 14 September 1990.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2002. 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 March and 15 April 2002, copies of which are attached. They also considered your rebuttal letter dated 15 May 2002.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish probable material error or injustice warranting adjustment of your master sergeant to reflect selection by the Calendar Year (CY) 1999 Active Reserve Master Sergeant Selection Board, vice the CY 2001 promotion board, or remedial consideration for promotion from the CY 1999 promotion board. In this regard, they particularly noted that your official record included no documentation of a GCM. They concluded that any promotion board would have recognized that you actually had no GCM. This is supported by your having been selected by the CY 2001 promotion board, which considered you before the MCTFS had been corrected. In view of the above, your request for relief beyond that effected by CMC 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

4296-01

**DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
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MEMORANDUM FOR THE RECORD

DATE: 4NOV02

DOCKET NO: [REDACTED]

PETITIONER (PET): MSGT [REDACTED], USMCR (AR)

PARTY CALLED: [REDACTED], MC MIFD

TELEPHONE #: [REDACTED]

WHAT I SAID: I ASKED [REDACTED] HE COULD ADMIN REMOVE PET'S "GCM" ENTRY IN MCTFS, MAKING IT A "GC" ENTRY.

WHAT PARTY SAID: [REDACTED] ANSWERED IN THE AFFIRMATIVE.

[REDACTED]
BRIAN J. GEORGE



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

4296-01

IN REPLY REFER TO:
1070
JAM2A

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) APPLICATION
IN THE CASE OF ~~MASTER~~ ~~SUNNERY~~ SERGEANT ~~████████████████████~~ ~~████████████████████~~
~~████████████████████~~ USMCR (AR) ~~████████████████████~~ ~~████████████████████~~

1. We are asked to provide an opinion on Petitioner's request to remove from the Marine Corps Total Force System (MCTFS) the 18 February 1993, Legal Action 119 Remarks page entry for general court-martial.

2. We recommend that Petitioner's request for relief be granted. Our analysis follows.

3. Background. On 18 February 1993, the MCTFS code "GCM" was entered in the MCTFS indicating that Petitioner was the subject of a general court-martial.

4. Analysis

a. Petitioner's fitness reports, service record book, and MCTFS record do not offer any evidence that she had ever been convicted by court-martial, except for the "GCM" MCTFS code. The Administrative Support Division, U.S. Navy-Marine Corps Appellate Review Activity, has no record that Petitioner was convicted by court-martial. Additionally, evidence supporting Petitioner's application comes from a letter to the Board by Chief Warrant Officer 3 ~~████████████████████~~ ~~████████████████████~~ served with Petitioner during the period in question and states that the "GCM" entry was erroneous.

b. Petitioner was awarded her second and third Good Conduct Medal for the periods 14 September 1987 to 13 September 1990, and 14 September 1990 to 13 September 1993, respectively. It appears that the "GCM" entry was intended to reflect a Good Conduct Medal, commonly referred to by its acronym, GCM. However, the MCTFS code for the Good Conduct Medal is "GC." Furthermore, CW03 ~~████████████████████~~ letter states that the "GCM" entry was intended to reflect an entry for a Good Conduct Medal. CW03 ~~████████████████████~~ statement is supported by the effective date of the "GCM" MCTFS entry, 14 September 1990, which coincides with the commencement date for her third Good Conduct Medal. Based on

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) APPLICATION
IN THE CASE OF GUNNERY SERGEANT [REDACTED]
[REDACTED] USMCR (AR)
MASTER 30
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this information, we conclude that the MCTFS "GCM" entry was made in error and should be removed.

5. Conclusion. Accordingly, we recommend that the requested relief be granted.

[REDACTED]

Head, Military Law Branch
Judge Advocate Division

