



aw

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

[REDACTED]

Docket No: 9007-07
28 August 2008

[REDACTED]

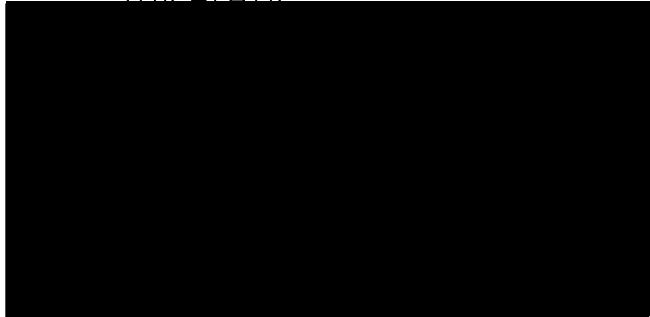
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 August 2008. 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 from Headquarters Marine Corps dated 18 June 2008 with references (b) through (d), 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. The Board was unable to find the eye injury to which you refer was a factor in your not having been promoted to lance corporal. In view of the above, 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,



Enclosure



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

JUN 13 2008

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

Ref: (a) BCNR Docket Number 11321-07 of 29 May 08
(b) NAVMC 118(5) from [REDACTED] service record book
(c) NAVMC 118(11) from [REDACTED] service record book
(d) MCO P1400.29 (ENLPROMMAN)

1. Per reference (a) [REDACTED] asserts he should have been promoted to the rank of lance corporal based on passing a test in 1970.

2. The record of examination for promotion section of reference (b) show no evidence that [REDACTED] passed any military exams for promotion to lance corporal. Reference (c) further shows that [REDACTED] was not recommended by his commanding officer due to [REDACTED] substandard performance. Paragraph 3010.3b of reference (d) states the following must be achieved prior to promotion to lance corporal.

- (1) Complete the minimum service in grade requirement as established by the Commandant of the Marine Corps.
- (2) Pass an locally prepared examination.
- (3) Be otherwise qualified as determined by his/her commander.

3. Based on the foregoing, it is recommended that [REDACTED] records remain unchanged at this time. However, [REDACTED] in provide additional documentation to support his claim, we will reconsider our position at that time.

