



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

BAN
Docket No. 01192-08
28 July 2008

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 July 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. The Board considered the advisory opinions furnished by HQMC memo 1400/3 MMPR-2 of 21 Jul 08, 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 also 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
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1400/3
MMPR-2
JUL 21 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 1192-08 of 17 Jun 08
(b) SNM's DD 214
(c) TFDW Report of 17 Jul 08

1. Per reference (a), [REDACTED] requests to have his record reflect sergeant (E-5) vice corporal (E-4).
2. Reference (b) validates [REDACTED] was released from active duty on 10 May 1991. Reference (c) validates that [REDACTED] record does in fact reflect his promotion to the rank of sergeant with a date of rank of 1 January 1993. Only promotions that were effective prior to release from active duty warrant a DD 215 correction.
3. Based on the foregoing, it is recommended that [REDACTED] record remain unchanged.

A handwritten signature in cursive script, appearing to read "R. W. Reilly".

R. W. REILLY
Major, U.S. Marine Corps
Head, Enlisted Promotion Section