



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

JSR
Docket No: 1235-08
2 October 2008

[REDACTED]

[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.

You requested that your naval record be corrected to show you were promoted from corporal (pay grade E-4) to sergeant (pay grade E-5) with an effective date of 1 April 2005 or, if that date is not approved, then 1 June 2005. As shown in the attached correspondence with enclosure from Headquarters Marine Corps (HQMC) dated 4 August 2008, HQMC has issued you a discharge certificate reflecting that your discharge from the Marine Corps Reserve on 19 March 2006 was in the grade of sergeant.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 October 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 correspondence cited above and the advisory opinion from HQMC dated 28 April 2008, 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 in concluding you have not established you should have been promoted on either 1 April or 1 June 2005, but you should have been promoted on 1 July 2005, before the date of your discharge on 19 March 2006. You may request a promotion certificate from the Mobilization Command, if you were not in a drilling unit on 1 July 2005, or from your unit if you were in one on that date. In view of the above, your application for relief beyond that effected by HQMC 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

