



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

JSR
Docket No: 3020-08
17 July 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.

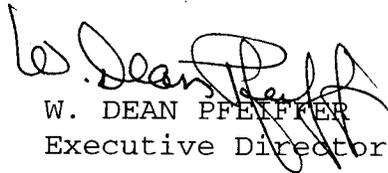
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 July 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. In addition, the Board considered the advisory opinion from Headquarters Marine Corps dated 12 May 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. 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

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

MAY 12 2008

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

Subj: ADVISORY OPINION IN THE CASE [REDACTED]

Ref: (a) BCNR Docket Number 03020-08 of 30 Apr 08

1. Per reference (a) [REDACTED], asserts his DD Form 214 should have reflected the rank of sergeant vice corporal.
2. A review of [REDACTED] record verifies he was promoted to the rank of sergeant (E-4) on 1 December 1957, his highest rank held on active duty. His DD Form 214 was correct with the rank of corporal (E-4) at the time of his release from active duty on 1 April 1959. The Marine Corps rank structure was changed in January 1959. Specifically, the rank of sergeant (E-4) was changed to corporal (E-4). When [REDACTED] was discharged from the Marine Corps on 1 April 1959, he was in fact a corporal (E-4).
3. Based on the foregoing, it is recommended that [REDACTED] remain unchanged at this time

R. W. REILLY

Major, U.S. Marine Corps
Head, Enlisted Promotion Section