



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

LCC
Docket No. 10157-08
13 Apr 09

[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 13 April 2009. 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 furnished by CMC memorandum MMPR-2 1400/3 of 27 February 2009, 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

FEB 27 2009

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED] FORMER USMC

Ref: (a) BCNR Docket Number 10157-08 of 12 Feb 09
(b) MCO P1900.16F, MARCORSEPMAN
(c) Reply to Inquiry (NPC) of 5 Dec 97 on SNM

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 released from active duty on 3 January 1954. Additionally, his record verifies he was promoted to sergeant on 1 February 1955 in the United States Marine Corps Reserves (USMCR). Per reference (b), the rank on the DD Form 214 will be the rank the Marine holds on the date of separation from active duty. Therefore, the DD Form 214 in question is correct with the rank of corporal. Furthermore, reference (c) indicates that [REDACTED] has already recieved an updated discharge certificate.
3. Based on the foregoing, we recommend his record remain unchanged at this time.

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