



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

BAN
Docket No. 01498-09
25 August 2009

[REDACTED]

[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 24 August 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. The Board considered the advisory opinion furnished by HQMC memo 1400/3 MMPR-2 of 11 Jun 09, 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 opinions. 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

JUN 11 2009

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

Ref: (a) BCNR Docket Number 01498-09 of 12 May 09
(b) CMC ltr 1070 JAM3 of 31 Dec 2008
(c) MCO P1400.32D w/CH 1, ENLPROMMAN
(d) SNM's TFDW Composite Score History of 8 Jun 09

1. Per reference (a), [REDACTED] requests remedial promotion to the rank of sergeant for the first quarter FY 2006 promotion period due to having a nonjudicial punishment (NJP) removed from his record.

2. Per reference (b), the NJP dated 24 February 2006 was determined to be unjust and was permanently removed from [REDACTED] record. Further review of [REDACTED] record validates that he was released from active duty on 7 April 2006 and last promoted to the rank of corporal with a date of rank of 1 June 2004. Paragraph 2201 of reference (c) states the following must be achieved prior to promotion to sergeant.

- (1) Complete the minimum service in grade requirement as established by the Commandant of the Marine Corps.
- (2) Have a composite score equal to or above the minimum cutting score for his/her military occupational specialty.
- (3) Be otherwise qualified as determined by his/her commander.

3. Based on the provisions of reference (c), [REDACTED] eligibility for promotion to sergeant would have started in the second promotion quarter of 2005 and he would have remained eligible until 7 April 2006 when he was transferred to the Individual Ready Reserves (IRR). [REDACTED] was however later promoted to sergeant in the IRR with a date of rank of 1 April 2009. The following are [REDACTED] composite scores based on reference (d), during the time he was eligible for promotion while serving on active duty:

Promotion Qtr 2 FY 2005 (Apr-Jun)	- 1533
Promotion Qtr 3 FY 2005 (Jul-Sep)	- 1584
Promotion Qtr 4 FY 2005 (Oct-Dec)	- 1615
Promotion Qtr 1 FY 2006 (Jan-Mar)	- 1636
Promotion Qtr 2 FY 2006 (Apr-Jun)	- 1636