



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

BAN
Docket No. 01545-09
20 March 2009

[REDACTED]

Dear [REDACTED]

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

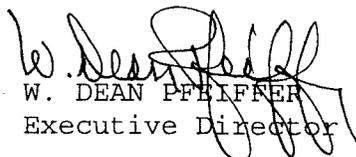
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 March 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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.

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. Further, the Board noted the following: 1) on 27 July 1973, your commanding officer withheld your promotion to gunnery sergeant (GySgt) for six months, pending attainment of Marine Corps' weight standards, 2) after your six-month probation period ended, you were still not within the Marine Corps weight standards, as documented in your service record, 3) you voluntarily submitted your retirement package as a staff sergeant (SSgt) in August 1973, 4) although you were selected for promotion to GySgt, you were never actually advanced to the rank of GySgt and did not obligate the required two years for promotion. Finally, the Board noted that your retirement package was approved by the Commandant of the Marine Corps, and you signed your discharge certificate, DD Form 214, on 6 January 1974, indicating your retirement as a SSgt. 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