



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

BAN
Docket No. 02755-09
20 May 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 20 May 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 HQMC memo 1400/3 MMPR-2 of 1 May 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. 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

MAY 01 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 02755-09 of 16 Apr 09
(b) NAVMC 118(5) from SNM's OMPF
(c) DD 214 from SNM's OMPF
(d) MCO P1400.29 (ENLPROMMAN)

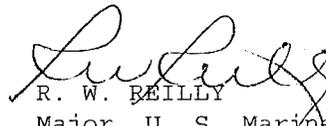
1. Per reference (a), [REDACTED] asserts he never received the paperwork for his "in field" promotion to the rank of corporal.

2. References (b) and (c) validate [REDACTED] was last promoted (probationally) to the rank of lance corporal with a date of rank of 1 December 1969 and effective date of 15 December 1969. Reference (d) states the requirements for promotion to the rank of corporal were as follows:

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

3. The minimum time in grade requirement for promotion to the rank of corporal was nine months. [REDACTED] had 31 days time in grade as a lance corporal at the time of separation from active service.

4. Based on the foregoing, it is recommended that [REDACTED] record remain unchanged at this time. However, if [REDACTED] can provide additional documentation to support his claim, we will reconsider our position at that time.


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

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