



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

BJG
Docket No: 2657-11
23 January 2012

[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.

You requested the following correction of error or injustice:

- a) promotion to Master Sergeant rank E-8 was not given to me;
- b) back pay from July 1996 to September 30, 1998 was not received;
- c) retirement pay should be increased from E-7 to E-8;
- d) moving expenses from Washington, DC back to Philadelphia, PA which I was entitled to were not given to me;
- e) during the period of October 21, 1997 to September 30, 1998, while I was on Legal Hold, I did not receive compensation, though I was entitled to it;
- f) as an honorably discharged Marine, who was entitled to receive a complete physical, it was not offered to me;
- g) I was not given any transition assistance to help me adjust to the new civilian life style;
- h) I did not receive a fitness report for the entire period that I was under investigation, even though I had requested this numerous times (reference SRB [service record book]);
- i) my boat which was confiscated from during the legal investigation was not returned to me nor did I receive any compensation in lieu thereof; and
- j) as a retired Marine I am entitled to a retirement parade, which also was not given to me.

Your pay record shows that you were paid through September 1998. Regarding your request concerning moving expenses and reimbursement for your boat, you may contact the Defense Finance and Accounting Service. Concerning your request for a physical and transition assistance, you may contact the Department of Veterans Affairs. With respect to your missing fitness report, you may contact the reporting senior.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 January 2012. 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 also considered the advisory opinions from Headquarters Marine Corps dated 1 and 22 August 2011, copies of which are 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. With respect to your requests for promotion and a retirement parade, the Board substantially concurred with the advisory opinions in concluding that these requests should be 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

Enclosures