



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

JSR

Docket No: NR776-14

26 June 2014

[REDACTED]

Dear Sergeant [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 removing the Commanding Officer (CO) First Endorsement 1300 Legal dated 2 August 2010, Subject: Relief for Cause (RFC) from the Marine Security Guard (MSG) Program; the service record page 11 ("Administrative Remarks (1070)") entry dated 23 May 2011; and the CO Wounded Warrior Battalion - East letter 1900 CO dated 21 September 2011, Subject: Notification of Administrative Separation Processing from your Official Military Personnel File (OMPF). You also requested that your additional military occupational specialty (MOS) 8156 (MSG) be restored. Finally, you impliedly requested that your RFC from the MSG Program be set aside, that the termination of your special duty assignment (SDA) pay be set aside, and that the draw case code "AO" (RFC from special duty) be removed from your data in the Marine Corps Total Force System.

It is noted that Headquarters Marine Corps (HQMC) has administratively removed all three of the contested documents from your OMPF.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 June 2014. 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 from HQMC dated 1 April 2014 with enclosure, 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 in finding your RFC should not be set aside, so your 8156 MOS should not be restored, and both the termination of your SDA pay and the "AO" draw case code should stand. In this regard, the Board particularly noted that the basis for the set aside of your nonjudicial punishment of 29 July 2010 was not a determination that you were innocent. In view of the above, your application for relief beyond that effected by HQMC 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 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,



ROBERT D. ZSALMAN
Acting Executive Director

Enclosure