



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

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Docket No: 1365-21
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your applications on 26 October 2021. The names and votes of the members of the panel will be furnished upon request. 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request for remedial promotion to the grade of staff sergeant/E-6, and full retirement benefits, combat enhanced. You also requested correction to your Certificate of Release or Discharge from Active Duty (DD Form 214) to reflect your grade as staff sergeant/E-6, that you attended Military Police Officer Academy and served as a military police officer (military occupational specialty 5811), that you attended Sergeants Course and Corporals Course,. You also requested correction to your DD Form 214 to reflect that you earned a Combat Action Ribbon (CAR) and an additional Iraq Campaign Medal (ICM) and Navy Marine Corps Achievement Medal.

The Board considered your contention that you were reduced in grade from sergeant to corporal after your 3 August 2011 non-judicial punishment (NJP) for larceny under \$500, and that you were separated from the Marine Corps on 30 October 2012 in the grade of corporal. You argue

that you are not requesting a meritorious promotion to staff sergeant but a promotion based on the fact that the NJP was unjust because you were framed for something you did not do. You also assert that the NJP proceedings were procedurally defective, and resulted in your improper removal from the 2011 Staff Sergeant Promotion Selection Board. You also assert that you did not appeal the NJP because your chain of command at the time was threatening your livelihood and your career.

The Board determined that there is no evidence in the record, and you submitted none, to support your new contentions and assertions. Specifically, the Board had nothing more than your statement to determine if the requested additional changes to your DD Form 214 are warranted. Moreover, you failed to provide any new and material evidence for reconsideration of your previously considered application, Docket No: 10381-19 of 18 February 2021. Accordingly, the Board found that you did not furnish sufficient evidence—such as completion certificates and citations—demonstrating probable material error or injustice warranting corrective action.

With regard to your request to document awards on your DD Form 214, the Board noted that MARADMIN 172/05, which governs the ICM, states that all requests for the ICM must include a copy of the DD Form 214, unit and dates served in Iraq, and any other documentation to verify service in the area of eligibility (AOE). This documentation could include documents showing that your unit commander issued use the ICM, orders, or personal award citations during the time you were in the AOE. The Board found that your DD Form 214 alone was insufficient evidence to support your contention that you qualify for a third ICM. With respect to the CAR, the Board cannot take action on this request as you have not exhausted all administrative remedies prior to petitioning the Board. Specifically, MARADMIN 038/13 details the process on how Marines can request retroactive awards of the CAR. Marines are responsible for contacting the first officer in their chain of command at the time of the action and request that the officer recommend them for the CAR based on their performance and submit the request to Headquarters U.S. Marine Corps, Military Awards Branch (MMMA).

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

12/5/2021

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Deputy Director

Signed by: 