



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. 3140-21
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 November 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 application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board carefully considered your request for “correction in rank from E-5 to E-6.” The Board considered your contention the initial error made by your chain of command, which resulted in a previous Board directing your advancement to sergeant/E-5 effective 1 April 1999, “highly impacted [your] decision to remain in the Marine Corps.” The Board further considered your contention that after the error was corrected in 2018, you “didn’t know how to feel” because you had “lost [your] entire career because of poor leadership.” Lastly, the Board considered your contention the error prevented you from being eligible for promotion “while other peers and junior ranked Marines that were promoted to E-5 on time were selected to E-6 with less time in grade.”

The Board, however, noted there was insufficient evidence, in the record or submitted by you, to support your contention that your “correct” rank should be E-6. Specifically, the Board noted you were voluntarily released from active duty on 5 June 1999, just two months after the date you should have been advanced to sergeant, and discharged from the reserves on 25 August 2002 but there is no indication of reserve service between those dates which would support your

contention your rank should be corrected to E-6. The Board concluded there was insufficient evidence of an error or injustice in your record warranting your requested relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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.

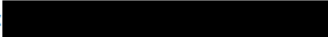
Sincerely,

11/29/2021

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Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.