



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: 5377-21

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 application on 25 January 2022. 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, as well as the advisory opinion (AO) furnished by the Marine Corps Manpower Management Enlisted Promotions Branch (MMPR-2). The AO was provided to you on 14 September 2021, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request for promotion to Staff Sergeant (SSgt/E-6). The Board considered your contentions that due to an administrative error, your extension request was never processed in the Marine Corps Total Force System (MCTFS), which resulted in you not being promoted on schedule. You claim that an incident was reported on 4 January 2021, prompting an investigation resulting in your 25 January 2021 non-judicial punishment (NJP) and the NJP caused your promotion to be revoked. You also claim that your promotion should have been effective on 1 January 2021, it was ignored, your extension was canceled on 12 February 2021, and since the incident occurred after 1 January, it should have no bearing on your promotion.

The Board, however, substantially concurred with the AO. In this regard, the Board noted that MARADMIN 334/20 granted local commanders the authority to extend Marines that required 24 months obligated service for promotion, your extension request was signed on 18 December

2020, your extension request was not processed, therefore, you did not have the obligated service to affect your promotion. However, on 4 January 2021, you were the subject of a command investigation, you received NJP, and your promotion selection was revoked. The Board also noted that according to the Marine Corps Enlisted Promotions Manual (MARCORPROMAN), even though a select grade is reflected in MCTFS, a Marine is not considered promoted until a certificate of appointment (promotion warrant) is delivered by a commissioned officer at an appropriate ceremony. Moreover, according to the MARCORPROMAN, the promotion warrant will not be delivered if the Marine concerned has failed to maintain the high standards of professionalism and personal performance which led to selection, if in the opinion of the commander, the Marine will not and cannot perform creditably in the higher grade, and delivery of the promotion warrant is at the commander's discretion. The Board determined that regardless of the effective date of your promotion, your commanding officer (CO) was not required to promote you to █. The Board also determined that based upon your misconduct and your CO's finding of guilt at NJP, he acted properly and within his discretionary authority by not delivering your promotion warrant. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

2/10/2022

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Executive Director

Signed by █