



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. 5637-21
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 17 February 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.

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

The Board carefully considered your request to correct your record by changing your Certificate of Release or Discharge from Active Duty (DD Form 214) to reflect you were discharged as a Private First Class/E-2. Specifically, you contend you were promoted to E-2 while serving as a Recruiter's Assistant after graduation from boot camp. In support of your contention, you provided medical records reflecting your rank as an E-2 when seen at the hospital on 24 August 1991 and after your nonjudicial punishment of 12 September 1991. You further contend your DD Form 214 was "deliberately falsified and designed to be punitive."

The Board noted your previous request, Docket Number NR20190011168, was partially granted. Specifically, the previous Board, applying liberal consideration, changed your narrative reason for separation to "secretarial authority" in order to remove the stigma of a personality disorder

from your DD Form 214. However, the Board denied your request for an adjustment to your rank noting that, although your promotion was authorized, the Commanding Officer (CO) did not direct your promotion. Therefore, the Board found that your rank at the time of discharge is correctly reflected as Private/E-1.

Due to the new supporting documents, the Board carefully reconsidered your request for relief. The Board reviewed the documents but determined the newly submitted evidence is insufficient in establishing a material error or injustice warranting an adjustment to your rank. Specifically, the Board noted the rank on the medical documents but determined the rank on all command-generated administrative separation documents reflects you were a Private/E-1. Therefore, the Board again concluded that on 11 July 1991, your appointment to the grade of Private First Class was authorized but not directed by your CO at the time of your discharge from the Marine Corps.

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,

3/11/2022

