



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

[REDACTED]
Docket No. 5954-21
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX-XX-[REDACTED] USMC RET

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO P1400.32C w/CH 1

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 1400/3 MMPR-2 of 4 Oct 21
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected to establish Petitioner's rank as Gunnery Sergeant (GySgt), paygrade E-7 upon discharge effective 30 October 2019 with adjustment to Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 2 December 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 6 June 2019 MARADMIN 329/19 released and Petitioner selected for promotion to GySgt E-7 with a seniority number of 1516.

b. On 30 October 2019 Petitioner honorably discharged due to disability not combat related. DD Form 214 issued reflecting the rank of SSgt and paygrade E-6 with an effective paygrade of 1 May 2016.

c. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board determined per reference (b), Marines in the grades of Sergeant and above who have been selected for promotion, and who are to be separated or retired from active duty because of physical

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disability prior to their seniority number being reached, may be promoted with a date of rank (DOR) of the 1st of the month of discharge/retirement and effective the last day of active duty, provided they are otherwise qualified. The Board concluded, the Petitioner met the requirements of reference (b), warranting relief.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner promoted to GySgt E7 effective 30 October 2019 with a Date of Rank of 1 October 2019.

Petitioner issued DD Form 216 MC Certificate of Appointment to Gunnery Sergeant.

Petitioner issued Discharge Certificate reflecting the rank of Gunnery Sergeant vice Staff Sergeant.

Petitioner issued DD Form 215 correction DD Form 214 effective 30 October 2019.

Block (4a) reads GySgt vice SSgt

Block (4b) reads E7 vice E6.

Block (12i) reads 20191030 vice 20160501

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

1/14/2022

[REDACTED]
Deputy Director
[REDACTED]