



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

█  
Docket No. 7414-21  
Ref: Signature Date

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Dear █,

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 23 August 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.

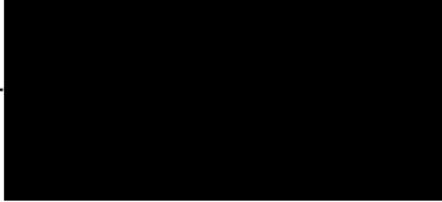
You requested to receive your rank of Corporal (Cpl)/E-4 back with associated compensation. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, upon review of your record the Board concluded that you received two NAVMC 118(11) Administrative Remarks [12 February 2001 and 27 February 2002] for non-recommendation of promotion to the rank of Cpl/E-4 and a Page 11 (6105) counseling for violation of Article 92 of the Uniformed Code of Military Justice (UCMJ) on 13 March 2002. On 7 May 2002, you were found guilty at non-judicial punishment for violation of Articles 83, 86, and 91 of the UCMJ, which you did not appeal. On 14 May 2002, you were recommended for administrative separation; separation approved on 17 July 2002. On 19 July 2002, you were reduced in rank to Private/E-1 and discharged on 2 August 2002 in accordance with Marine Corps Order P1900.16E. The Board could not find, nor did you provided evidence of being eligible or selected for promotion to the rank of Cpl/E-4, thereby ineligible for reinstatement to that rank or the associated pay and allowances.

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,

9/8/2022

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