



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. 616-22
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 27 April 2020. 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 change block 3a of your DD Form 214, Armed Forces of the United States Report of Transfer or Discharge dated 1 April 1959, to reflect "Acting Sergeant" vice "Corporal". The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that effective 1 January 1959, a transitional period of dual grade structure was achieved by establishing "acting ranks." This was due to the rank of Corporal (Cpl) placed in pay grade E-4 and the rank of Sergeant (Sgt) with three stripes was selected to replace the rank of Staff Sergeant at E-5. This transition period was to give those whom were promoted to Sgt (E-4) the opportunity to be permanently promoted to Sgt (E-5) without reverting to the rank of Cpl. Being temporary in nature, the Commandant of the Marine Corps terminated the acting ranks on 1 August 1960. Although you were given a temporary title of Acting Sergeant; your permanent rank and pay grade was Cpl/E-4 and appropriately annotated on your DD Form 214 of 1 April 1959. Additionally, you were issued a statement of service on 16 May 1962 verifying your permanent rank as Cpl/E-4, and Headquarters U.S. Marine Corps verified your rank as a Cpl/E-4 on 2 July 1962. You further served in the Marine Corps Reserve as a Cpl/E-4 until you enlisted in the █ National Guard on 16 March 1965.

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,

5/4/2022

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Deputy Director

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