



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

██████████
Docket No. 3387-22
Ref: Signature Date

████████████████████
████████████████
████████████████████

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 applications on 26 July 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

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

The Board carefully considered your request to remove all your Administrative Remarks (Page 11) non-recommended (non-rec) for promotion entries from your official military personnel file (OMPF) and remedial consideration for promotion to the rank of Sergeant (Sgt)/E-5. Although you did not specify in your petition the dates of your non-rec Page 11 entries, the Board took into consideration 15 separate entries from your OMPF between 2015 to 2017 in which you were not recommended for promotion to the rank of Sgt. The Board considered your contention that you were erroneously not recommended for promotion due to lack of Military Occupational Specialty (MOS) proficiency even though the "Collateral Duty Inspector" AMOS is only recommended and not required for the MOS 6323. The Board also considered your assertion that you were instructed not to write rebuttals and told the entries could not be removed.

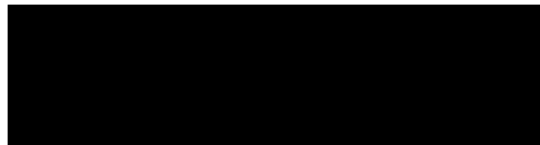
By signing the Page 11 entries, your Commanding Officer indicated that he believed the “Collateral Duty Inspector” AMOS was a requirement for your duty area, as described in the Individual Training Standards Systems (ITSS), and for promotion to the rank of Sgt in your MOS. Although you contend that the “Collateral Duty Inspector” AMOS is only recommended but not required, the Board determined that the ITSS, in conjunction with the formal school completion, meets the MOS qualification requirements for promotion to the rank of Sgt through the Staff Non-Commissioned Officer ranks. The Board thus determined that the issuing officer was well within his discretionary authority to issue the Page 11 non recommendation for promotion entries and that the entries meet the counseling requirements in the Individual Records Administration Manual. In addition, the Board noted that you did not provide any evidence in support of your contention that you were told not to write rebuttals. Therefore, the Board concluded that the Page 11 entries do not constitute probable material error or injustice warranting removal from your OMPF. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

With regards to your request for remedial consideration for promotion to the rank of Sgt, the Board noted that you have not exhausted all administrative measures and therefore, was not considered by the Board. The Board noted that, in accordance with the Enlisted Promotion Manual, you must first submit your request to your command who will then submit the entire request to Headquarters Marine Corps, Manpower Management Division (MMPR-2) for consideration.

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, _____

8/24/2022



Deputy Director

