



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

█  
Docket No. 3911-22  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 11 October 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. In addition, the Board also considered the advisory opinion by Headquarters Marine Corps memorandum 1741 MMSR-6 of 9 September 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

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.

You requested a review of your high-three average retirement pay. 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 your retirement pay is correct in accordance with Department of Defense Financial Management Regulation 7000.14-R. Specifically, the policy indicates, "In the case of an enlisted member retired within 3 years after having been reduced in grade as prescribed in subparagraph 030212.A.1, and who was not subsequently promoted to a higher enlisted grade, the retired pay base will be computed using the final basic pay rather than the high-36 month average."

A review of your record indicates you promoted to Gunnery Sergeant/E-7 effective 1 November 2015. Subsequent to a competency review board (CRB), you were reduced in rank to the grade of Staff Sergeant (SSgt)/E-6 effective 26 January 2018. On 4 April 2018, Commander, Marine Forces ██████ denied your request to appeal the CRB. You later transferred to the Fleet Marine Corps Reserve effective 1 August 2020 in paygrade SSgt/E-6. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

10/19/2022

