



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: 5954-22

Ref: Signature Date

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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 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.

The Board carefully considered your request to change your retired grade to reflect promotion to Master Gunnery Sergeant (MGySgt/E-9). The Board considered your contention that the chain of command made a material error when they separated you in the grade E-8 and failed to review and recognize your exemplary performance after you were previously recommended for promotion on numerous occasions. You also contend that the chain of command made a material error of fact by not forwarding your request for the Marine Corps Recruiting Ribbon prior to the promotion board. The Board considered your assertion that if the original Recruiting Ribbon request been forwarded in a timely manner and included in your record, there would have been evidence that you completed a "B" Billet and you would have been selected for MGySgt. For consideration, you provided a statement and that you dedicated 24 years to the Marine Corps and have shown an exceptional work ethic both in the military and civilian world.

The Board noted that you were eligible, but were not selected for promotion during the fiscal year (FY) 2008 Marine Corps E-9 promotion selection board. The Board also noted that based

upon your request, you were transferred to the Fleet Marine Corps Reserve (FMCR) on 31 May 2008. The Board noted, too, that although your record did not include the Recruiting Ribbon, your completion of Recruiting School was reflected in your record and was available for promotion board consideration. The Board found no evidence that inclusion of the Recruiting Ribbon would have resulted in your selection for promotion or that you availed yourself of the option to submit correspondence to the President of the FY 2008 promotion board in accordance with MARADMIN 490/07. The Board thus determined that your evidence does not demonstrate an error or injustice during the FY 2008 promotion board. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting your promotion to E-9. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

8/30/2022

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Executive Director
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