



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

█
Docket No. 7523-22
Ref: Signature Date

█
█
█

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 22 December 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 (HQMC) memorandum 1400/3 MPMR-2 of 21 October 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

You requested promotion to the rank of Sergeant (Sgt)/E-5 prior to your release from active duty on 12 July 1980. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that that you were eligible for promotion to Sgt/E-5 during the April 1980 promotion period. However, you signed NAVMC 118 (11), Administrative Remarks acknowledging not being recommended for promotion to Sgt/E-5 for the April 1980 promotion period and you did not desire to make a statement. Subsequently, an entry was made indicating you were "Officially counselled 800401 as to negative attitude, tardiness, and responsibilities expected of an NCO"; you refused to sign the entry. Thereafter, you were assigned reentry code RE-3B on 27 June 1980 with an additional entry was made specifying, "Counselled concerning his lack of the level of maturity and leadership expected of a Sgt in the USMC. Not considered promotable and not recommended for promotion. Not recommended for reenlistment without the express approval

of HQMC. Not available for signature due to terminal leave.” 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,

1/9/2023

█

Deputy Director

Signed by: █