



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. 8269-22
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 30 March 2023. 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 your record reflect a promotion to Sergeant (Sgt)/E-5 prior to separation from the U.S. Marine Corps (USMC) on 27 February 1970 or the U.S. Marine Corps Reserve (USMCR) effective 19 February 1972. 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 you enlisted on 20 September 1966 in the USMCR for a term of 6 years and thereafter enlisted in the USMC on 28 December 1966 for a term of 4 years. On 18 February 1970, you signed NAVMC 118(11), Administrative Remarks indicating, "I hereby request and consent to be released from active duty on 70 02 27 in lieu of my normal date of expiration of enlistment on 70 12 27. I understand that entitlement to pay and allowances and credit of active federal service for all purposes, including GI Bill benefits, cease on the actual date of my separation from active service." On 27 February 1970, you were released from active duty and transferred to the USMCR through your terminal date of Reserve obligation of 19 September 1972. The Board noted that based on the composite score worksheet and unsigned promotion certificate contained in your official military personnel file, had you remained on active duty you may have been promoted to Sgt/E-5 effective 1 March 1970. Additionally, the

unsigned promotion certificate is not valid for promotion consideration while a member in the Ready Reserve (Inactive Status), thereby rendering you ineligible for promotion to Sgt/E-5.

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,

4/10/2023

