



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. 8609-22
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.

A three-member panel of the Board, sitting in executive session, considered your application on 29 November 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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 for remedial promotion consideration by the Fiscal Year (FY) 2019 Gunnery Sergeant (GySgt/E-7) enlisted remedial selection board (ERSB). You also request to correct your payment of non-disability involuntary separation pay (ISP). The Board considered your contention that the Board approved the removal of your 21 March 2018, page 11 entry and rebuttal statement. You assert that you were not considered and selected for promotion solely on the basis of the page 11 entry and rebuttal. You claim that during the FY19, and FY20 GySgt promotion selection boards (PSBs) you were not aware that the page 11 entry violated the Marine Corps Family Advocacy and General Counseling Program regulation. You also claim that you submitted a request for remedial promotion, however, the Head of the Promotion Branch (MMPR-2) informed you that Marines who have been discharged are not eligible for consideration by the ERSB, but may petition the Board for relief. The Board noted that previous Boards granted relief by removing your 21 March 2018, page 11 entry and by directing a FY18 ERSB. The Board also noted that you were considered for promotion by the FY18 ERSB during June 2022¹ and you were not selected for promotion.

¹ You were notified by HQMC correspondence (1420/4, MMRP, dated 29 June 2022) of your non-selection to Gunnery Sergeant based on your remedial consideration for promotion.

Regarding your request for consideration by a FY19 ERSB, the Board noted that the Marine Corps Enlisted Promotion Manual requires due diligence, whereby a Marine must identify errors, discrepancies, or an injustice in his or her record in a timely manner and initiate appropriate corrective action. In addition, a Marine's request for remedial consideration must detail the steps taken to ensure the completeness and accuracy of his or her official record prior to the convening of the selection board which considered but did not select the Marine. The Board noted that the FY19 GySgt PSB convened on 17 April 2019 and your application to remove your page 11 entry was submitted on 13 May 2020. The Board found no evidence of due diligence prior to the convening of the FY19 and you provided none. The Board determined that you were granted an opportunity for your record to be considered by the FY18 PSB without the presence of derogatory material and you were not selected. The Board also determined that no further relief is warranted and concurred with MMPR-2 that Marines who have been discharged are not eligible for consideration by the ERSB.

Concerning your request to correct your payment of non-disability ISP, the Board noted that the Board previously granted approval for full ISP and direct DFAS to audit your pay record to reflect full ISP vice half ISP.² The Board determined that you have not exhausted your administrative remedies. In this regard, you must direct questions concerning money paid and/or the manner of computation to DFAS, not the Board. If you have not received payment, you may contact DFAS at the AskDFAS link: <https://www.dfas.mil/debtandclaims/submitclaim.html> or via mail at DFAS-IN, 8899 East 56th Street, Department 3300 (Attn: COR/Claims), Indianapolis, IN 46249-3300 or call commercial 1-866-912-6488 to inquire about the status of your pay. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

12/8/2022

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Deputy Director

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² Docket No. 3627-21 dated 23 December 2021