



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. 42-23
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 4 April 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 a 6-month service-in-grade waiver to have your First Sergeant/E-8 rank restored. 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 you did not meet the waiver criteria outlined in Marine Corps Order (MCO) P1900.16E. MCO P1900.16E specifies that Marines in the grade of Gunnery Sergeant/E-7 and above must serve 2 years in grade prior to transfer to the Fleet Marine Corps Reserve (FMCR). A waiver of this requirement may only be approved by the Secretary of the Navy and only in instances of humanitarian or hardship situations. A review of your record indicates you promoted to First Sergeant/E-8 effective 1 April 2002. Upon applying for retirement, you submitted a request for a service-in-grade waiver, which was denied by Headquarters Marine Corps on 18 August 2003. Thereafter, you voluntarily transferred to the FMCR effective 1 November 2003, thereby rendering you ineligible for retirement as a First Sergeant/E-8.

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,

4/11/2023

