



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

[REDACTED]
Docket No. 1454-23
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 301/21
(c) MARADMIN 729/21
(d) MCO P1400.32D w/CH2

Encl: (1) DD Form 149 w/attachments
(2) Certificate of Release or Discharge from Active Duty (DD 214), 29 Dec 21
(3) Advisory opinion by HQMC (MMPR-2), 14 Mar 23

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting promotion to the rank of Gunnery Sergeant (GySgt/E-7) as a result of the Fiscal Year (FY) 2021 GySgt Promotion Selection Board (PSB).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 21 March 2023 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 30 December 2021, Petitioner was medically retired with an Honorable characterization of service due to a permanent disability. Enclosure (2).

b. Petitioner contends that he was selected for promotion to GySgt and slated for promotion during February 2022. However, a medical board changed his end of active service to 30 December 2021. Petitioner asserts that he tried to submit a waiver to be promoted while awaiting medical board results, but it was not submitted in time. Enclosure (1).

c. The advisory opinion (AO), furnished by Manpower Management Promotion Branch, Enlisted Promotions Section (MMPR-2) recommended that Petitioner's record be changed to reflect the rank of GySgt with a 1 December 2021 date of rank and 30 December 2021 effective date. The AO noted that Petitioner was selected by the FY 2021 GySgt PSB and was to be promoted on 1 February 2022,¹ but was medically retired prior to his promotion date. Enclosure (3).

¹ References (b) and (c), Petitioner was selected for promotion to GySgt with a 1 February 2022 planned promotion date.

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[REDACTED]

CONCLUSION

Upon review and consideration of all the evidence of record, the Board found the existence of an error warranting relief.

The Board substantially concurred with the AO. In this regard, the Board noted that according to reference (d), "Those Marines in the grades of Sgt and above who have been selected for promotion, and who are to be separated or retired from active duty because of physical disability prior to their seniority number being reached, may be promoted with a Date of Rank of the first day of the month discharge/retirement and effective the last day of active duty, provided they are otherwise qualified." The Board determined that the Petitioner submitted sufficient evidence that promotion to GySgt is warranted.

RECOMMENDATION

In view of the above, the Board directs the following corrective action:

Petitioner's naval record be corrected to reflect promotion to GySgt with a 1 December 2021 date of rank and 30 December 2021 effective date. Note: Headquarters, U.S. Marine Corps will issue Petitioner a promotion warrant for said promotion.

Petitioner's naval record be corrected by issuing a DD Form 215, correction to Certificate of Release or Discharge from Active Duty (DD Form 214) changing blocks 4a and 4b to reflect 'GYSGT' and 'E-7' respectively, and block 12i effective date of pay grade.

The Defense Finance and Accounting Service will conduct an audit to determine if Petitioner is due any pay or entitlements.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

4/14/2023

[REDACTED]
Deputy Director
[REDACTED]