



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. 1689-23
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 18 May 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. In addition, the Board also considered the advisory opinion by Headquarters, U.S. Marine Corps (MMPR-2) of 23 March 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

On 22 November 2019, you reenlisted for 4 years with an End of Current Contract of 21 November 2023.

In accordance with MARADMIN 478/22 published on 20 September 2022, Appointments for Marines listed in paragraph 3 will be issued to fill vacancies in the selected grade in the assigned order of seniority. Monthly promotions will be announced by separate MARADMIN.

Any Marine selected for promotion by the FY22 Staff Sergeant Selection board must have at least 24 months of obligated service remaining on contract beginning on the date of their promotion.

In accordance with MARADMIN 677/22 published on 22 December 2022, Marines and Unit Leaders will receive a notification via Marine On Line (MOL) informing them of Marines who meet all prerequisites for promotion and subsequently will be promoted with a date of rank and effective date of 1 January 2023.

Marines who are selected to the ranks of Staff Sergeant through Sergeant Major/Master Gunnery Sergeant, to include meritorious promotions, must have at least 24-months of obligated service (OBS) remaining on contract on the date of their promotion. Marines who do not comply with OBS requirements prior to their seniority number being reached will receive a date of rank and effective date for the 1st of the following month after compliance with OBS requirements. Based on your Staff Seniority Number of 1923, you were scheduled to be promoted on 1 January 2023.

On 28 December 2022, █ ran a unit diary entry (History statement) to your MOL and unit leaders stating that your seniority number would be reached for promotion on 1 January 2023. You were currently not in compliance with the 24-month obligated service requirement.

On 14 February 2023, you signed an agreement to extend enlistment for 9 months with an End of Active Service (EAS) of 21 August 2024 in order to process for FY 24 reenlistment request. On 15 February 2023, you signed an agreement to extend enlistment for 18 months with an EAS of 21 February 2026 in order to obligate service for assignment to Monitored Command Codes B35.

You requested promotion to Staff Sergeant with a date of rank and effective date of 1 January 2023, 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 per MARADMIN 677/22 of 22 December 2022, Marines selected for promotion to the rank of Staff Sergeant must have at least 24 months of OBS remaining on contract on the date of their promotion. On 28 December 2022 you were notified via unit diary history statement to MOL that you were not in compliance with 24-month OBS requirements. You did not fully obligate before 1 January 2023, therefore, you are not eligible for a 1 January 2023 date of rank. 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,

5/19/2023

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