



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. 3920-23
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your late husband's (Subject) naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of Subject's 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 15 June 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 Subject's naval record, and applicable statutes, regulations, and policies.

The Board carefully considered the request for promotion to Master Gunnery Sergeant (MGySgt/E-9) and to correct your spouse's Certificate of Release or Discharge from Active Duty (DD Form 214) to reflect MGySgt. The Board considered your contention that he was called "Top" which is the highest enlisted rank. The Board also considered that you would like his headstone and other records to reflect MGySgt vice Master Sergeant (MSgt). As evidence, you furnished images of your spouse in uniform and a hat with MGySgt rank insignia, and license plate "TOP P".

After a thorough review of Subject's naval record, the Board found no evidence of a warrant authorizing promotion to the rank of MGySgt. The Board noted that your spouse was promoted to MSgt effective 1 December 1977, he was issued temporary additional duty orders for training in the rank of MSgt during May 1979, and the Commandant of the Marine Corps authorized his release from active duty and transfer to the Fleet Marine Corps Reserve in the rank of MSgt on

3 October 1979. In addition, according to his Record of Loss, Promotion, Reduction, and Examination for Promotion, MSgt was the last rank authorized. The Board found no evidence that he was considered and selected for promotion to MGySgt. Moreover, had he been selected for promotion to MGySgt, the Board determined that he would have been required to remain on active duty for two additional years to accept the promotion to MGySgt. The Board appreciates your spouse's honorable service, however, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting relief.

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,

6/21/2023

