



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:tj
Docket No: 3636-99
10 August 1999

LCPL [REDACTED] USMC

Dear LANCE CORPORAL [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 August 1999. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1400/3 MMPR-2 of 19 July 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
1400/3
MMPR-2
19 Jul 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE LANCE CORPORAL [REDACTED]
[REDACTED] USMC

Ref: (a) DD Form 149 of 5 May 99
(b) MCO P1400.32B (Enlisted Promotion Manual)

1. Through reference (a), Lance Corporal [REDACTED], has requested remedial consideration for the backdate of his promotion to private first class with backpay. He states he was not recommended for promotion to private first class for 1 July 1998 because he was assigned to weight control. He further states that although he signed a page 11 entry of acknowledgment, it was not reported in the Marine Corps Total Force System (MCTFS) therefore he feels that he rated the promotion to private first class for 1 July 1998 with backpay.

2. Although the assignment to weight control was not entered in the MCTFS, it is evident in Lance Corporal [REDACTED], service record that he signed a page 11 entry on two occasions (980701 and 980722) to acknowledge the nonrecommendation for promotion to private first class due to his assignment to weight control. Per paragraph 1204.3 of reference (b), it states that the assignment to weight control is a promotion restriction, therefore he was not eligible for promotion.

3. In view of the information contained in paragraph 2 above, recommend his petition be denied.

[REDACTED]
Assistant Head, Enlisted Promotions
Promotion Branch
By direction of
the Commandant of the Marine Corps