



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

LCC:ddj
Docket No: 2208-00
13 June 2000

[REDACTED]

[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 13 June 2000. 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 8 May 2000, 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
8 May 00

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]
148 42 8721 FORMER MARINE

Ref: (a) DD Form 149 of 17 Mar 00

1. [REDACTED] requests correction of his military service records to show that he was promoted to the grade of corporal prior to his discharge from the Marine Corps.

2. We conducted a thorough review of [REDACTED] official military record. The research revealed he enlisted in the Marine Corps on 29 May 1968 at the grade of private. He was promoted to private first class (PFC) with a date of rank of 1 October 1968; however, on 30 September 1969, as a result of a special court-martial, he was reduced to the grade of private. The punishment later was set aside, which enabled him to retain his grade and original date of rank of 1 October 1968. [REDACTED] was promoted to lance corporal with a date of rank of 1 February 1970. On 2 April 1970, he was found guilty of ~~a~~ Article 15 of the Uniform Code of Military Justice (UCMJ), and reduced to private first class. There is no record of Mr. [REDACTED] being promoted to the grade of corporal. He was honorably discharged from active duty on 30 April 1970 at the grade of private first class. *ck*

3. We recommend his petition be denied.

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