



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

LCC:ddj
Docket No: 7630-02
3 December 2002

[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 3 December 2002. 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 of MMPR 2 of 6 November 2002, 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
6 Nov 02

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

[REDACTED] 240 76 [REDACTED] SMC

Ref: (a) Enlisted Promotion Manual (MCO P1400.32C)

1. Former Private Norman believes he should have been promoted prior to his discharge.
2. Research of former Private [REDACTED] official military record verifies a pattern of legal proceedings. Former Private [REDACTED] received a Special Court Martial on 23 December 1970. He was reduced from private first class to pay grade E-1. There is nothing in his record to verify he was ever recommended for promotion after his court martial.
3. On 31 August 1971, an Administrative Discharge Board was held, and former Private [REDACTED] received a general discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. Former Private [REDACTED] was discharged as a private, his correct rank at time of discharge.
4. Recommend former Private [REDACTED] request be disapproved.

[REDACTED]
Major, U.S. Marine Corps
Head, Enlisted Promotion Section