



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

██████████  
Docket No. 990-24  
Ref: Signature Date

██  
██  
██

Dear ██████████

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 19 March 2024. 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.

The Board carefully considered your request to reinstate you to the rank of Gunnery Sergeant (GySgt/E-7). The Board considered your contention that you were promoted to GySgt on 1 August 2022 while going through the Physical Evaluation Board/Medical (PEB/MED) Board process and that, upon receiving the PEB results, it was recommended that you medically retire. Next, you claim that you were instructed to submit for a Temporary Early Retirement Authority (TERA) request and, upon approval, you were reduced to the lesser grade of Staff Sergeant (SSgt/E-6). Finally, you contend that, because you were medically retired, the time in grade (TIG) does not apply. Therefore, you contend that you should maintain the grade of GySgt since your reduction in grade to Staff Sergeant was an administrative oversight.

However, the Board substantially concurred with the Headquarters, Marine Corps decision. In this regard, the Board noted pursuant to MARADMIN 135/19, you submitted for TERA, which specifies that Marines must be willing to waive their PEB findings in order to apply for TERA. Further, the Board noted that pursuant to para 7004.5 of the Marine Corps Separations Manual, Marines in the grade of gunnery sergeant and above must serve two years in their current grade before transfer to the Fleet Marine Corps Reserve (FMCR) and that a waiver may only be

approved by the Deputy Commandant, Manpower and Reserve Affairs. The Board also noted that a medical retirement and an early retirement via TERA are two separate and distinct processes. In your case, the Board noted that you submitted an administrative action form on 7 September 2023 requesting that a time in grade waiver be approved and, that if a TIG waiver was disapproved, you were willing to transfer to the Fleet Marine Corps Reserves (FMCR) at the lesser grade of E6 (SSgt) based upon the results of the PEB. Consequently, the Board noted your TIG waiver was disapproved and you were retired under the TERA program vice a medical retirement. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting a change to your paygrade. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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 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,

3/29/2024

