



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. 1863-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of his 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 15 May 2024. The names and votes of the panel members 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 the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of his naval record, and applicable statutes, regulations, and policies.

Your father enlisted in the U.S. Marine Corps Reserve (USMCR) and began a period of active duty on 27 February 1947. He completed this enlistment with an Honorable characterization of service on 26 February 1949. After two more reenlistments in the USMCR, your father enlisted in the U.S. Marine Corps and had three periods of Honorable service, with the last period ending on 30 June 1972. On 1 March 1971, your father was appointed to Master Gunnery Sergeant. On 20 March 1972, in a letter from the Commandant of the Marine Corps (CMC) addressed to your father, he was notified that he was to be transferred to the Fleet USMCR. On 1 April 1977, he was placed on the retired list.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief. These included, but were not limited to, your desire for a DD Form 214 to reflect your father's rank as Sergeant Major and contention that it was his desire have it changed prior to his death.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your father rank of Master Gunnery Sergeant is correct. Although the letter from the CMC on 29 February 1997 lists his rank as

“Sergeant Major/Master Gunnery Sergeant,” the Board determined this was a scrivener error based on a review of his promotion record. As previously discussed, your father was promoted to the rank of Master Gunnery Sergeant on 1 March 1971 and his promotion record contains no evidence that he was ever promoted to the rank of Sergeant Major. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board sympathizes with your loss and thanks you for your father’s faithful and Honorable service to this country.

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,

5/24/2024

