



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

██████████  
Docket No. 2004-24  
Ref: Signature Date

████████████████████  
████████████████████  
████████████████████

Dear ██████████,

The Board for Correction of Naval Records (Board) gives their deepest condolences to you and your family, and honors ██████████ for his honorable service to this country.

This is in reference to your application for correction of your son's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your son's naval record and your application, the 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 11 July 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 son's naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Headquarters, United States Marine Corps memorandum 1400/3 MMPB-11 of 8 March 2024, which was previously provided to you for comment.

You requested to correct your son's rank to Sergeant on his Certificate of Release or Discharge from Active Duty (DD Form 214). The Board, in its review of your son's entire record and your application, carefully weighed all potentially mitigating factors to include your assertions. However, the Board concluded that your son's promotion warrant to the rank of Sergeant was in the Reserves and was effective on 1 October 2019 which was after his 20 October 2018 release from active duty. Therefore, correction to his active duty DD Form 214 is not warranted. The Board also noted that a DD Form 214 is only issued for *active duty* service, thus your son's rank/pay grade of Corporal/E4 reflects the proper rank/pay grade at the time his DD Form 214 was issued.

Regarding your request for disability benefits, that issue does not fall under the purview of the Board, therefore was not considered. The Board recommended that you address this concern with the Department of Veterans Affairs.

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,

7/26/2024

