

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 2717-24 Ref: Signature Date

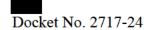
Dear

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your 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.

A three-member panel of the Board, sitting in executive session, considered your application on 25 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 naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Headquarters United States Marine Corps letter 1000 MMPB-21D of 8 Apr 24, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to correct your rank to Lance Corporal on your DD Form 214, Certificate of Release or Discharge from Active Duty. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that the action taken by the Board in Docket 3585-21 upgraded your character of service to General (Under Honorable Conditions) as a matter of clemency in accordance with Under Secretary of Defense memorandum, "Guidance to Military Discharge Review Board and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018. One of the general criteria included in this guidance indicates that, "[c]hanges to the narrative reason for discharge and/or an updated character of discharge granted solely on equity, injustice, or clemency grounds normally should



not result in separation pay, retroactive promotions, the payment of medical expenses, or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded character." The Board determined that your upgrade to your discharge does not negate your misconduct and/or your reduction in rank, therefore the Board determined change to your record is not warranted.

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.

