

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 3975-24 Ref: Signature Date



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.

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 21 June 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 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.

You enlisted in the U.S. Marine Corps and began a period of active duty service on 8 March 1965. On 30 May 1967, you were awarded the Purple Heart Medal for wounds received in Vietnam. On 24 February 1969, you requested and consented to being released from active duty in lieu of your normal expiration of enlistment. On 1 March 1969, you were honorably discharged at the rank of Sergeant (E-5) from the Marine Corps and transferred to the Marine Corps Reserve (USMCR). Upon your release from active duty, you were issued a DD Form 214 reflecting your rank of Sergeant (E-5). While serving in the USMCR, you promoted to Staff Sergeant on 1 May 1977, and subsequently promoted to your highest rank of Gunnery Sergeant (E-7) on 1 May 1982.

The Board, in its review of the entire record and petition, considered your contentions and your materials submitted; specifically, you request to change your rank on your DD Form 214 to reflect your terminal rank of Gunnery Sergeant (E-7) in order to have your tombstone at Arlington National Cemetery reflect the same. Unfortunately, the Board is only authorized to consider applications for administrative corrections to a Petitioner's DD Form 214 to correct an

error or an injustice. As your military record now stands, there are no material errors with your rank as reflected at your discharge from the Marine Corps on 1 March 1969. Because a DD Form 214 is designed to capture periods of active duty, and given that your rank at the time of your discharge from active service in the Marine Corps was properly noted as "Sgt (E-5)," the Board did not find evidence of an error or injustice that warrants changing your DD Form 214 to reflect your post-active duty USMCR terminal rank. Absent a material error or injustice, the Board declined to summarily change a record solely for the purpose of facilitating veterans' benefits. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Notwithstanding, the Board respectfully recommends that either you or your representative reach out to your local Department of Veterans Affairs office to work out any preplanning issues to ensure your final wishes are carried out regarding the rank of Gunnery Sergeant (E-7) you would like displayed on your tombstone at

This Board sincerely appreciates, respects, and commends you for your honorable and faithful service in Vietnam and your entire exemplary military career.

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.

