

## **DEPARTMENT OF THE NAVY**

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

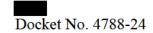
> Docket No. 4788-24 Ref: Signature Date

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 10 September 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 memorandum 1400/3 MMPB-11 of 20 July 2024, which was previously provided to you for comment.

You requested for your rank be changed to Corporal with a date of rank of 1 March 2013. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. Upon review of your record the Board concluded that you entered the Marine Corps on 15 November 2010 and advanced to Lance Corporal effective 1 August 2011. In March 2013, you received two Administrative Remarks (NAVMC 118(11)) for violation of Articles 86, 80, and 107. On 16 April 2013, you were notified by your Commanding Officer of separation proceedings. Thereafter, an Administrative Separation Board convened on 31 May 2013 and recommended separation. You were discharged on 20 June 2013 with a General (Under Honorable Conditions) Character of Service due to misconduct (serious offense) and Reentry Code of "RE-4." In 2015 and 2021, your requests submitted to the Naval Discharge Review Board were denied. On 18 January 2023, this Board changed your Character of Service to Honorable with Secretarial Authority as Narrative Reason for Separation and Reentry Code of "RE-1A." However, this amendment does not change the requirement to meet or exceed the cutting score for promotion in accordance with Marine Corps Order P1400.32D. You missed the cut off by two points, thereby ineligible for promotion in March 2013.



Therefore, in this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion, and agreed a 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.

