



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. 9868-24
Ref: Signature Date

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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 8 October 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.

A review of your record reflects that on 7 March 2013, you were issued a 6105 counseling entry for violation of Article 86 (two incidents); you acknowledged receipt and chose not to submit a statement. The counseling outlined that your failure to take corrective action and any further violation of the Uniform Code of Military Justice (UCMJ) may result in administrative action, including but not limited to administrative separation. On 15 March 2013, you were issued a 6105 counseling entry for violation of Articles 80 and 107 of the UCMJ. This counseling specified that you were being processed for Administrative Separation for misconduct, due to a Pattern of Misconduct and Commission of Serious Offense; you signed the document and chose to submit a statement on 22 March 2013. On 16 April 2013, you were notified by your commanding officer of separation proceedings. On 1 May 2013, your composite score of 1629 for promotion to Corporal/E-4 exceeded the required cutting score of 1625 for promotion but you were pending administrative separation, thereby ineligible for promotion. An Administrative Separation Board convened on 31 May 2013, which recommended separation. On 20 June 2013, you were discharged with a General (Under Honorable Conditions) Character of Service due to Misconduct (Serious Offense) and Reentry Code of RE-4. On 6 January 2023, this Board determined "that a discharge upgrade to "Honorable" (HON) on strictly leniency and clemency grounds is appropriate as this time, along with the certain conforming administrative changes to

the DD Form 214.” The documentation of your offenses for your Administrative Separation were not removed from your official military personnel file.

You requested promotion to the rank of Corporal/E-4 effective 1 May 2013. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that you did not meet the requirements for promotion in accordance with Marine Corps Order P1400.32D.¹ Specifically, the policy indicates Marines pending administrative separation for misconduct are not eligible for selection consideration or promotion. Therefore, the Board determined 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.

Sincerely,

10/25/2024

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Deputy Director

Signed by: █

¹ Paragraph 1204.4 Marines will not be promoted while in any of the following categories: Part u. Marines pending administrative separation for misconduct [...] are not eligible for selection consideration or promotion. The loss of promotion eligibility begins the date the administrative separation package is signed by the commander for forwarding to the General Court-Martial Convening Authority for final disposition.