



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

██████████  
Docket No. 12232-24  
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.

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 20 February 2025. 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.

The Board carefully considered your request to correct your discharge rank to lance corporal (LCpl/E-3). The Board considered your contention that you were improperly reduced two pay grades (CPL to PFC) at Summary Court-Martial. When starting terminal leave, you claim you were seven days away from automatic promotion back to LCPL; yet your DD Form 214 incorrectly listed PFC. You claim that you were awarded corporal (Cpl/E-4) on June 1, 2010 and, after being awarded the rank, you were told it was a "mistake" and the rank was taken away. You contend that these errors interrupted your rank progression and eligibility for Sergeant in the Inactive Ready Reserve (IRR). You further contend your undiagnosed Post Traumatic Stress Disorder (PTSD) contributed to the circumstances of the Court-Martial and Federal Bureau of Investigation (FBI) criminal history.

The Board in its review of your entire record found no evidence that you were promoted to Cpl and you provided none. The Board noted that you were not recommended for promotion to Cpl during the same month as your court-martial. Moreover, in accordance with the Marine Corps Enlisted Promotion Manual promotion to LCpl is not automatic. The Board determined that your misconduct revealed your failure to demonstrate the necessary traits of maturity, leadership and

professionalism required to qualify for promotion to a higher grade. Finally, the Board noted that Rules for Court-Martial 1301(d)(2) only limits summary court-martial paygrade reductions to one paygrade for members in the paygrade of E-5 and above<sup>1</sup>. The Board thus determined the Summary Court-Martial officer acted properly and within his/her discretionary authority when imposing punishment and reducing you in rank. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Concerning your PTSD, the Board found no evidence of a PTSD diagnosis or a nexus to your misconduct. The Board considered the Department of Veterans Affairs summary letter of benefits you provided but noted that it contains no diagnosis.

Finally, concerning your criminal history, the Board determined that you have not exhausted your administrative remedies by submitting a request to the Naval Criminal Investigative Service (NCIS), Attn: Code 00L, 27130 Telegraph Road Quantico, VA 22134. If NCIS denies your request, you are entitled to submit a new application to this Board with NCIS's correspondence for denying your request.

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,

3/7/2025

\_\_\_\_\_

<sup>1</sup> Specifically, the language states, “In the case of enlisted members *above the fourth enlisted pay grade* [emphasis added], summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next pay grade.”