

DEPARTMENT OF THE NAVY

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

> Docket No. 1116-25 Ref: Signature Date

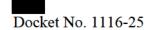


Dear

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.

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 Sergeant and award the Korean Defense Service Medal (KDSM) on your Certificate of Release or Discharge from Active Duty (DD Form 214). 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 your promotion warrant to the rank of Sergeant was in the Marine Corps Individual Ready Reserve and was effective on 1 January 2007 which was after your 3 November 2003 release from active duty. Therefore, correction to your active duty DD Form 214 is not warranted. Furthermore, the



Board noted that a DD Form 214 is only issued for active duty service, thus your grade of E-4 reflects the proper grade at the time your DD Form 214 was issued.

Regarding the KDSM, on advised you of your eligibility for the KDSM for service at from 29 May 2002 to 3 November 2003. Questions regarding the corrected DD Form 214, should be directly addressed with HQMC MMPB-21D. They can be reached via email at smb manpower mmrp 10@usmc.mil.

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.

