



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

██████████
Docket No. 2352-25
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 19 August 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. In addition, the Board considered the advisory opinion contained in Headquarters, U.S. Marine Corps memorandum 1400/3 MMPB-11 of 13 March 2025, which was previously provided to you for comment.

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.

In accordance with MCO P1400.32D published on 11 March 2006, Promotion Restrictions. 1. The enlisted promotion system prohibits promotion of more than one grade at a time unless specifically directed by the CMC. 2. Promotions will not be backdated for the purpose of increasing pay and allowances, nor when a period of promotion restriction or delay has ended and the commander subsequently recommends delivery of the promotion. The date of rank will be effective the first day of the month following the end of the restriction period. The only instance when a Marine is issued the original date of rank and effective date is in the case of a delay where the Marine is subsequently exonerated of all wrongdoing. 3. Promotion restrictions are not punitive in nature and should not be used as such; they are intended to allow commanders a minimum period of time to observe a Marine whose conduct or performance has given the

commander and/or the Commandant of the Marine Corps (CMC) reason to doubt whether the Marine is ready to assume the duties and responsibilities of the next higher grade. 4. Marines will not be promoted while in any of the following categories: u. Marines pending administrative separation for misconduct, unsatisfactory participation in the reserve component, homosexual conduct, unsatisfactory performance, alcohol rehabilitation failure, domestic violence, child abuse, weight control failure, etc. 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. Note: This includes medical separations determined to be not in the line of duty or due to a member's own misconduct.)

Promotions to Corporal and Sergeant in the Active Component. Corporal. The CMC will control the number of Marines to be promoted to Cpl through the use of the automated composite score. Promotions will be authorized on the basis of vacancies existing throughout the Marine Corps and will be effected by authorized commanders. Promotions will be effected monthly by primary MOS or intended MOS once the monthly promotion authority MARADMIN is received by the command and the "Select Grade" is reflected on the unit's DFR. The command will effect the promotion on the unit diary and prepare the certificate of appointment. These promotions will be based on composite scores (CS) which are automatically computed quarterly for each eligible LCpl. The term "eligible" as it relates to promotion refers to any LCpl who meets the 8 months TIG and 12 months TIS requirement by the end of the promotion quarter. The determination of which eligible LCpls will be promoted, subject to the composite score stipulation, is the sole responsibility of the commander. There are no provisions that allow commanders to waiver composite scores.

On 4 March 2010, you and your Commanding Officer signed an Administrative Remarks (NAVMC 118(11)) listing the following: "Counseled this date concerning your assignment to the Marine Corps Body Composition Program (BCP). You are advised that failure to make corrective actions and meet established body composition standards, may result in administrative separation from the Marine Corps, due to weight control failure or unsatisfactory performance, per paragraphs 6206 and 6215 of MCO P1900.16F."

On 4 March 2010, you signed an Administrative Remarks (NAVMC 118(11)) listing the following: "I understand I am eligible but not recommended for promotion to CPL due to Body Composition Program assignment IAW MCO P1400.32, par. 1204.4W, for a period of 6 months as applicable, unless waived by appropriate authority."

On 24 May 2010, you and your Commanding Officer signed an Administrative Remarks (NAVMC 118(11)) listing the following: "In accordance with the requirements of MARCORSEPMAN par 6105, notice is hereby given concerning your performance and/or conduct to date. The following deficiencies in your performance and/or conduct are identified. You are being counseled this date concerning your violation of Article 91 (Insubordinate conduct toward noncommissioned officer), Article 92 (Failure to obey order or regulation) and Article 117 (Provoking speeches or gestures)."

On 7 June 2010, you and your Commanding Officer signed an Administrative Remarks (NAVMC 118(11)) listing the following: “Counseled this date concerning your failure to make progress while assigned to the Marine Corps Body Composition Program. You are advised that you may be processed for administrative separation from the Marine Corps for (weight control failure per paragraph 6215) and/or (unsatisfactory performance per paragraph 6206 of MCO P1900.16F).”

On 2 August 2010, you and your Commanding Officer signed an Administrative Remarks (NAVMC 118(11)) listing the following: “Counseled this date concerning your failure to comply with established weight/body composition standards while assigned to the Marine Corps Body Composition Program. You are advised that you are being processed for administrative separation from the Marine Corps for weight control failure per paragraph 6215 and/or 6206 of MCO P1900.16F.”

On 21 September 2010, you signed an Administrative Remarks (NAVMC 118(11)) listing the following: “I understand that I am eligible but not recommended for promotion to CPL for a 12 month promotion period due to my pending administrative separation for failure to meet weight and body fat standards IAWMCO P1400.32, par, 1204.4u, as applicable, unless waived by appropriate authority.”

On 2 December 2010, Commanding Officer, ██████████ notified Commandant of the Marine Corps (MMSB) via First Endorsement on ██████████ letter 5800 Legal of 21 September 2010 that “[t]he Respondent will be discharged in accordance with paragraph 6215 of the reference for weight control failure, with a separation code of HCR1. In evaluating the Respondent's potential for further service, I have considered the Respondent's pre-service waiver, however, I have not considered it in determining the characterization of service. The characterization of service is general (under honorable conditions).

Ensure that the unearned portion, if any, of the Respondent's enlistment bonus is recouped in accordance with paragraph 6108 of the reference.”

On 16 November 2012, Department of the Navy, Secretary of the Navy Council of Review Boards notified you that “[t]he review authority has given consideration to all relevant issues raised and evidence presented and has carefully examined all available official records in connection with your application for discharge review.

The final decision is that the discharge be changed to Honorable.”

You were discharged with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 17 December 2007 to 20 December 2010 for weight control failure. Signed by Official authorized to sign on 11 December 2012. Furthermore, block 4a (Grade, rate or rank) listed LCPL, block 4b (Pay grade) listed E-3, and 12i (Effective date of pay grade) listed 1 February 2009.

You requested to be promoted to the rank of Corporal and Sergeant because you held E-4 and E-5 billets for your entire enlistment. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that given the nature of your responsibilities and the standard rank structure for these roles, your lack of promotion to E-4 or E-5 was an administrative oversight that should be corrected. Additionally, VA records confirm service-related injuries that impacted promotion timing. However, the Board concluded that in accordance with MCO P1400.32D, requirements for promotion include meeting the required TIG/TIS, be recommended for promotion, and meet or exceed the CS. More importantly, “[t]he determination of which eligible LCpls will be promoted, subject to the composite score stipulation, is the sole responsibility of the commander.” There is no documentation in your record that you met the CS prior to 4 March 2010, when you signed NAVMC 118(11) acknowledging you were eligible but not recommended for promotion to CPL due to BCP assignment for a period of 6 months as applicable. From that date until your discharge for weight control failure, you were ineligible for selection consideration or promotion in accordance with MCO P1400.32D. Therefore, the Board determined that your failure to be selected for promotion was not due to administrative oversight and that a change to your record is not warranted. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion.

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,

8/29/2025

Deputy Director

Signed by: