



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

██████████
Docket No. 4062-25
Ref: Signature Date

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Dear Petitioner:

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 25 June 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 determined that a 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.

The Board carefully considered your request to correct your official record to reflect the correct rank/pay grade at retirement. The Board considered your contention you were advanced on the retired list to first lieutenant and you have been paid as an O-2E since July 2001

The Board noted, on 1 November 1984, you were released from active duty from the Army in the grade of first lieutenant. You subsequently enlisted in the Marine Corps and were transferred to the Fleet Marine Corps Reserve (FMCR) in the grade of Staff Sergeant on 31 March 2000. In correspondence dated 18 July 2001, the Commandant of the Marine Corps (CMC) notified you that the Secretary of the Navy approved your advancement to first lieutenant. In separate correspondence the CMC also notified you that, pursuant to 10 U.S.C. Section 6151, you would

be advanced on the retired list effective on the date of your retirement from the FMCR. The Board also noted that you are receiving retired pay based on your retired grade and you have obtained the appropriate identification card.

According to the applicable Marine Corps Separation and Retirement Manual (MARCORSEPMAN), blocks 4a and 4b of the DD Form 214 are the grade in which separated. Additionally, the DD Form 214 is only prepared and delivered upon release from active duty and upon release from a period of active duty for training of 90 or more days. The Board determined that your DD Form 214 memorializing your period of service as a Staff Sergeant in the Marine Corps was properly prepared and issued in accordance with the MARCORSEPMAN. The Board also determined that advancement on the retired list does not constitute a basis for correction to the DD Form 214 or correction of your official record. The Board thus concluded there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

7/14/2025

