



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 3951-02
4 September 2002

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 September 2002. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1400/3 MMPR-2 of 5 June 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1400/3
MMPR-2
5 Jun 02

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED]

Ref: (a) DD Form 149 of 12 Apr 02
(b) BCNR Document Number 03951-02 dtd 23 Apr 02
(c) MMRP-2 ltr 1400/5 MMRP-2 dtd 5 Dec

1. Per references (a) and (b), [REDACTED] requests to have her date of rank to corporal corrected. [REDACTED] believes she was due to receive promotion to corporal on the 1st day of the 7th month of reenlistment.

2. [REDACTED] request contains two prior service reenlistment messages with the same date time group and different information. Per a phonecon with [REDACTED] of Marine Corps Recruiting Command, the second message is the correct message for promotion purposes.

3. [REDACTED] was discharged from the Marine Corps as a private first class. The statement of understanding she signed was given to her due to an administrative error. The statement of understanding she signed was designed for a corporal who was brought back in as a lance corporal. There is no statement of understanding for the rank of private first class.

4. As stated in reference (c), [REDACTED] was authorized reenlistment for 4 years, with an appointment to the grade of private first class with 6 months and 23 days time and grade. Accordingly, her date of rank to private first class was corrected to 26 December 1998, effective 19 July 1999 the date of reenlistment. On 1 August 1999 she met the 8 months time in grade and 9 months time in service requirement, and was properly promoted to lance corporal.

5. In order for [REDACTED] to have been eligible for promotion to corporal during the time frame she feels was promised to her, she would have had to reenlist as a lance corporal vice a private first class with her effective date to lance corporal being the date of her reenlistment.