



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

BJG
Docket No: 1862-00
2 June 2000

GYSGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Gunnery Sergeant [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.

Your request for a two-year "refresher tour" was not considered, as the Board for Correction of Naval Records (BCNR) does not involve itself in assignment matters.

A three-member panel of the BCNR, sitting in executive session, considered your application on 1 June 2000. 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 Headquarters Marine Corps, dated 5 April 2000, a copy of which is attached. They also considered your rebuttal letter dated 9 May 2000 with enclosure.

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. They did not accept your assertion, in the first endorsement on your letter of 9 May 2000, that the Commander, Sixth Marine Corps Recruiting District did not measure the incident for which you received nonjudicial punishment against your record as a whole. In view of the above, 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

1862-00



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1610
MMEA
05 APR 2000

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

Subj: BCNR APPLICATION IN THE CASE OF GUNNERY SERGEANT [REDACTED]

Ref: (a) MCO 1100.76D, (Career Recruiter Program)

1. The package has been reviewed and GySgt [REDACTED] request to reinstate his selection to Master Sergeant with back pay, and his PMOS 8412 with special duty allowance is not recommended. The following justification is provided.

a. GySgt [REDACTED] is not recommended to be reinstated to the rank of Master Sergeant in accordance with the reference, as his selection was in the 8412 career recruiter PMOS and not in his former MOS as a 6531. Because of his relief for cause and subsequent voidance of his PMOS, he is not authorized to retain the rank of Master Sergeant upon reverting to his former 6531 MOS. Although a Marine's entire record is considered in determination for promotion, allocations by PMOS are authorized and enlisted Marines compete within their PMOS for those allocations. GySgt [REDACTED] was selected for promotion based on his overall record and performance within his PMOS of 8412. If GySgt [REDACTED] receives consideration for promotion within his former 6531 PMOS due to time in grade, then he should submit for remedial promotion.

b. GySgt [REDACTED] is not recommended to have his PMOS of 8412 reinstated with special duty allowance back pay. GySgt [REDACTED] was officially relieved for cause on 16 August 1999. GySgt [REDACTED] had been on recruiting duty since June 1992 and had been a career recruiter since January 1995. He was relieved for malpractice-interceding in legal matters of an applicant, and received NJP at the recruiting station level. [REDACTED]'s relief for cause package was initiated by his command and was sent to MCRC with a recommendation to void his 8412 PMOS and return to his former 6531 MOS.

c. In accordance with the reference, CG MCRC has the final authority to relieve career recruiters, and MMEA retains final approval authority for PMOS voidance. Upon initial route of the relief for cause package, it was determined that [REDACTED] had spent an inordinate amount of time out of his former aviation ordnance MOS (7 years) and might have diminished technical

skills. MMEA recommended disapproval of the voidance of his 8412 PMOS and retention within MCRC in a non-production recruiter capacity. MCRC disagreed with this decision and the package was revisited and routed to the General Officer level for final adjudication. [REDACTED] (Director PMD), approved the voidance of GySgt [REDACTED]'s 8412 PMOS and recommended assignment within his former 6531 MOS based on the needs of the Marine Corps.

2. Based on the above justifications there were no grievous or arbitrary decisions made in the voidance of [REDACTED] PMOS 8412 and his subsequent revocation of selection to Master Sergeant in that MOS.

3. We recommend approval of the request for a minimum of two years time on station at his current unit. This is in compliance with MCO P1300.8R, Marine Corps Personnel Assignment Policy, tour length requirements.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
LEUTENANT COLONEL
ASSISTANT HEAD, ENLISTED ASSIGNMENT BRANCH