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

BJG
Docket No: 4639-99
7 November 2001

SGT [redacted] USMC RET
[redacted]

Dear Serg[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 7 November 2001. 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 16 June 2000 with enclosure, 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.

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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

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

IN REPLY REFER TO:
1400/3
MMPR-2
16 Jun 00

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

Subj: ADVISORY OPINION IN THE CASE OF MR [redacted] FORMER MARINE

Encl: (1) Copy of CO, 3dBn, 7thMar ltr CEJ/lww P17-2 Ser: 24 of 20 Jan 53

1. [redacted] retired Marine sergeant, requests that his military service records show that he was awarded promotion to the next higher rank. He states that he was pending a promotion at the time of his injury in action while serving on active duty in Korea but was not awarded a promotion.

2. After review of [redacted] service record book, it was found that he was pending promotion to the grade of staff sergeant, however, his Commanding Officer requested that his promotion not be effected for reasons indicated in the enclosure. [redacted] was placed on the temporary disability retired list on 1 May 1953 and subsequently transferred to the Permanent Disability Retired List on 1 May 1957 at the highest rank he held, a sergeant. Recommend his petition be denied.

[redacted]
Head, Enlisted Promotion Section
Promotion Branch
By direction of
the Commandant of the Marine Corps

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Headquarters
3d Battalion, 7th Marines
1st Marine Division (Reinf), FMF
c/o Fleet Post Office, San Francisco, Calif

CEJ/lww
P17-2
Ser: 24
20 JAN 1953

From: Commanding Officer
To: Commandant of the Marine Corps (Code DH)
Via: (1) Commanding Officer, 7th Marines
(2) Commanding General, 1st Marine Division (Reinf), FMF
(3) Commanding General, Fleet Marine Force, Pacific

Subj: Failure to effect a promotion, case of Sergeant [redacted] of

Ref: (a) Para 9361.2, MCM
(b) MCSO 344A-52

1. Reference (b) authorized the promotion of Sergeant [redacted] to the rank of staff sergeant.

2. In compliance with reference (a), which directs that the Commandant of the Marine Corps be notified when a promotion is not effected, it is reported, that in my opinion Sergeant [redacted] considered qualified for promotion at this time.

3. The reasons for not effecting this promotion are as follows:

a. Sergeant [redacted] failed to demonstrate the necessary force and reasoning ability of a staff noncommissioned officer in his occupational field.

b. Sergeant [redacted] the initiative required of a staff non-commissioned officer.

4. Accordingly it is further considered that to effect the promotion of Sergeant [redacted] time would be a disservice to the Marine Corps.

[redacted]

ENCLOSURE (1)