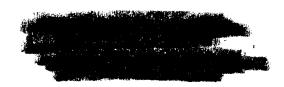


DEPARTMENT OF THE NAVY

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

LCC:ddi

Docket No: 7033-00 6 February 2001





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 6 February 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 CMC memorandum 1400/3 MMPR-2 of 15 December 2000, 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.

Additionally, an individual cannot be promoted if he is not within the Marine Corps height and weight standards. Your weight was 218 pounds and 71" in height. The maximum anyone can weigh who 71" tall and meet Marine Corps weight standards is 197 pounds. You exceeded that limitation by 21 pounds.

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,

Docket No. 7033-00

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

Enclosures



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

IN REPLY REFER TO:

1400/3 MMPR-2

15 Dec 00

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

Subj: ADVISORY OPINION IN THE CASE OF M

N. Control of the Con

Ref:

(a) DD Form 149 of 25 Aug 00

(b) Head Promotion Branch ltr 1400 MMPR-2 of 28 Mar 00

- 1. Mr. has submitted a request for the correction of his military service records to show that he was promoted to the grade of corporal prior to his discharge from the Marine Corps (ref (a)).
- 2. We previously conducted a thorough review of official military record. The research revealed that he was assigned an RE-3P reenlistment code on 18 November 1999 and before his discharge from the Marine Corps. Marine Corps Order P1400.32B, Marine Corps Promotion Manual, Volume 2, Enlisted Promotions, provides that Marines assigned RE-3P reenlistment codes are in a promotion restriction status and cannot be promoted. Reference (b) informed for his reenlistment status. This Headquarters (MMPR-2) does not have the authority to correct reenlistment codes. We suggest that this petition be routed to the Enlisted Assignment Branch (Code MMEA).
- 3. Since illitary service records remain the same, we cannot take further action.

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

DRAW CASE CODES

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