



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

BJG
Docket No: 2038-02
22 May 2003

M [REDACTED]
[REDACTED]
[REDACTED]

D [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 22 May 2003. 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 11 April 2002, a copy of which is attached. The Board also considered your rebuttal letter dated 12 June 2002.

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.

The Board was unable to find that deception was used to induce you to enroll in a program for which you were not physically qualified. The Board likewise was unable to find your platoon commander tried to force you to perform fellatio on him. The Board was unable to find you were not given proper medical care, or that physicians' orders restricting you to light duty were ignored. Finally, while the Board respected your religious beliefs, it was not persuaded that you did, in fact, have cause not to want your name associated with the Marine Corps.

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



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
PERSONNEL MANAGEMENT SUPPORT BRANCH (MMSB)
2008 ELLIOT ROAD
QUANTICO, VA 22134-5030

HISA N REPLY REFER TO:
1070
MMSB-13
11 Apr 2002

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

Subj: ADVISORY OPINION; CASE OF FORMER PRIVATE [REDACTED]
[REDACTED] USMC

1. A review of Mr. [REDACTED] Official Military Personnel File shows that he served honorably on active duty from 16 Sep 68 to 8 Sep 1969. In view of the above facts, there is no basis for expungement of his military record.

2. In addition [REDACTED] OMPF does not contain any documentation that he was informed by the National Personnel Records Center that his personnel records was either lost or destroyed. In fact, his completed service and medial records are maintained by NPRC.

[REDACTED]

Head
Records Correspondence Section
Personnel Management Support Branch
By direction of the
Commandant of the Marine Corps