



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

ELP
Docket No. 6100-01
18 January 2002

[REDACTED]

Dear [REDACTED]

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

A three-member panel of the Board for Correction of Navy Records, sitting in executive session, considered your application on 16 January 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.

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.

The record reflects that you enlisted in the Alabama Air National Guard on 31 January 1992. The statement of service you provide shows that you were ordered to active duty on 20 July 1992 and were honorably released from active duty on 24 June 1994. A Report of Separation and Record of Service shows you were discharged from the Alabama Air National Guard on 27 February 1995 and transferred to the Air Force Reserve. That form shows that your military obligation termination date was 30 January 1998.

The statement of service also shows that you continued to serve in the Air Force Reserve until you enlisted in the Marine Corps on 22 April 1996. You were honorably discharged from the Marine Corps upon completion of your required active service on 21 April 2000. Your DD Form 214 shows no Reserve Obligation Termination Date since there was no military obligation remaining.

The statement of service further indicates that you enlisted in the regular Air Force on 28 November 2000 and accepted a commission as a second lieutenant in the Air Force Reserve on 2 March 2001.

The Board conducted a careful search of your record for a valid basis upon which to show that you were not discharged from the Marine Corps in April 2000, but were transferred to the Marine Corps Reserve until your enlistment in the Air Force on 28 November 2000. However, no justification for such a change could be found. Your contention that your Marine Corps enlistment contract shows that you enlisted for eight years cannot be verified from available records. However, even if your enlistment contract showed an eight year term of service, it would be erroneous since six years is the maximum term for which an individual can enlist in the regular Marine Corps. Your DD Form 214 clearly shows that you were discharged after completion of your required active service. Therefore, it was reasonable for the Board to conclude that your enlistment was for four years of active service. The Board also noted the letter from Air Force Personnel Center to Headquarters, Marine Corps which states that individuals entering military service after June 1984 incurred an eight-year obligation and that your DD Form 214 should reflect you were transferred to the Marine Corps reserve since you still had a military obligation. The individual writing that letter apparently was not aware of your prior Air Force service. Although an Air Force separation document states that your military obligation termination date was 30 January 1998, that date also appears to be erroneous since the military obligation has been eight years since 1984, and eight years from the date you first enlisted in the Alabama Air National Guard would have been 30 January 2000. Further, both dates expired prior to your discharge from the Marine Corps. Since your military obligation was completed prior to your discharge, there was no basis to release you from active duty and transfer you to the Marine Corps Reserve instead of discharging you. Individuals do not incur a new military obligation with each new enlistment. In order for you not to have a break in service, you would have had to enlist in the Marine Corps Reserve or another branch of service at the time of your discharge. In order to justify correction of a military record, you must show to the satisfaction of the Board that the record is in error or that you were unjustly treated by the Marine Corps. You have failed to submit any evidence that would satisfy that requirement. 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