



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

MEH
Docket No. 4152-07
18 Aug 08

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 August 2008. 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 memo 1000 IOP:rah of 12 Aug 08, 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 concerning Foreign Language Proficiency Pay (FLPP). Accordingly, your request for FLPP has been denied. The Board also denied your request for the \$700.00 allowance for civilian clothes, noting that your orders indicate the working uniform was utilities and that you provided no substantiation to support your claim. 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 also 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
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

REPLY REFER TO:
1000
IOP:rah
12 Aug 08

From: Director of Intelligence, Headquarters, U. S. Marine Corps
To: Deputy Commandant for Manpower and Reserve Affairs (Attn: MMER)

Subj: ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) DoD Instruction 7280.3
(b) MCO 7220.52C
(c) MCO 7220.52D

Encl: (1) Career History
(2) AC/S G1 MARFORSOUTH E-Mail of 7 Aug 08

1. In accordance with the references, [REDACTED] was not entitled to FLPP during the period of 6 December 1999 to 5 January 2001.
2. Though he met the MOS (AMOS 8241) requirements, [REDACTED] did not meet the testing requirements identified in the references, which state that Marines are required to have a test on record to be eligible for FLPP. As evident in enclosure (1), [REDACTED] was assigned to [REDACTED] for 13 months prior to the start date of his assignments in [REDACTED], and no extenuating circumstances were cited that would have prevented him from testing during that time.
3. Manpower Plans and Policy – Testing (MPP-50) has verified that prior to October 2006, all testing was paper based and worldwide deliverable via FedEx. Also, an Oral Proficiency Interview test would have been available at any location with a land line telephone. These testing options would have been available in [REDACTED]. The references and enclosure (2) support these positions.
4. Since [REDACTED] did not have a prior test on record, there is no way to determine his language capability during the time he was in [REDACTED]. The test he took upon his return showed his skill level after two years of immersion in the language, which may not be an accurate reflection of his skill level prior to and during his assignment.
5. While it is Intelligence Department's position that [REDACTED] does not rate any pay related to this claim, if it is determined that he is entitled to compensation the monthly FLPP entitlement for a 3/2+ score was \$50 from 6 Dec 99 to 17 Aug 00 and \$175 from 18 Aug 00 to 5 January 01, not \$200.00 per month as requested.
6. Questions concerning this recommendation may be addressed to Capt Carrie Kauffman, DSN: 224-3938 or commercial (703) 614-3938.

J. A. BRUDER IV
By direction