


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

  
Docket No. 6399-07  
27 May 08

Dear

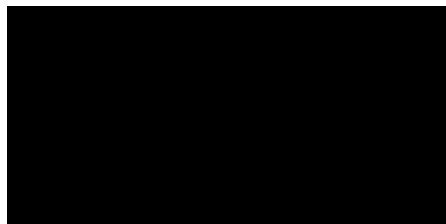
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive *session*, considered your application on 27 May 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 opinions furnished by CMC memorandums 1920 MMSR-3 of 16 May 2008 and 1050 MPO-40 -of 8 August 2008, a copy of each is attached.

After careful and conscientious consideration of the entire record, a majority of 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 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,



Enclosures

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

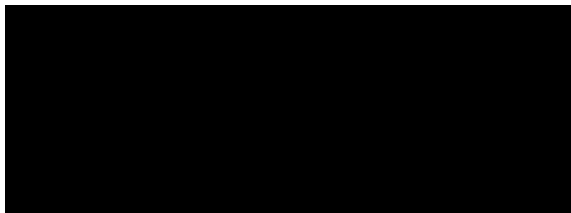
IN REPLY REFER TO:  
1920  
MMSR-3  
16 May 08

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

Subj: BCNR APPLICATION IN THE CASE OF         
SUBJ: REQUEST FOR ADVISORY OPINION

Ref: (a) MNER R/S 6399-07 of 6 May 2008  
(b) MCO P1900.16F

1. Reference (a) requests an advisory opinion concerning former request for full separations pay.
2. Upon review of former Official Military Personnel File (OMPF), we note he was discharged on 15 December 2006 with a Separation Program Designator (SPD) code of GHK1 and a narrative reason for separation of Involuntary Discharge (Substandard Performance) comment dated 29 January 2007 in former final fitness report for the period June 2006 through 15 December 2006 states that former "discharge was a result of his failure to maintain basic ht/wt/body fat requirements." Paragraph 1.308 (a) (8) states that Marines are limited to half separation pay when they are separated for substandard performance of duty by reason of failure to perform to prescribed standards of weight. Former received half separations pay. Based on this information, we do not recommend that former receive full separations pay.
3. Point of contact is Ms.



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

IN REPLY REFER TO:  
1050 MPO-40  
**AUG 08 2007**

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

Subj: BCNR APPLICATION IN THE CASE OF

Ref: (a) MMR Route sheet of 1 Aug 07  
(b) United States Code, Title 37, Chapter 9, Section 501  
.b. 3

1. Reference (a) is returned recommending disapproval of patents of 6.0 days of lost leave. Per reference (b), separation payments for unused accrued leave are limited to 60 days during a military career.

2. POC is [REDACTED], (CMC MPO-40) at [REDACTED]  
commercial [REDACTED]

