



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

TRG
Docket No: 7824-07
19 November 2008

[REDACTED]

[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 13 November 2006. 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 an advisory opinion furnished by the Navy Personnel Command, a copy of which is enclosed, and your rebuttal thereto dated 22 July 2008.

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.

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

Enclosure



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

IN REPLY REFER TO:
1800
MMSR-5
8 Jul 08

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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF [REDACTED]

Ref: (a) MMR Route Sheet of 9 Jun 08, Docket No. 7824-07

Encl: (1) Reserve Retirement Master Control Card
(2) NAVMC 321A dtd 4 April 1979
(3) Correction of Military Records dtd 25 Apr 88
(4) [REDACTED] enlistment contract beginning 30 Sep 80
(5) [REDACTED] enlistment contract beginning 22 Apr 77

1. The reference requests an advisory opinion on [REDACTED]'s petition to correct his record to show 20 qualifying years of service and eligibility for a Reserve Retirement.

2. As shown in the enclosure, [REDACTED] completed 17 years, 8 months and 10 days of qualifying service and was discharged on 9 June 1991 with a total of 2,683 retirement points.

3. [REDACTED] requests the break in service from 22 October 1979 to 29 September 1980 currently shown on his Reserve Retirement Master Control Card be removed.

a. He has provided, as proof of his membership:

(1) Orders dated 17 July 1979 which show him on active duty for training from 2 July 1979 to 16 July 1979.

(2) A document showing exchange privileges for the period of 21 October 1979 to 31 December 1979.

(3) An Organized Reserve Medal certificate for service from 21 April 1976 to 20 April 1980.

b. As shown in enclosure (2), [REDACTED] enlisted on 22 April 1977 in the Marine Corps Reserve for a period of 2 years. He then reenlisted for a period of 6 months on 1 April 1979. The extension allowed him to continue in the reserves until his separation on 21 October 1979. On 25 April 1988, a correction of military records for [REDACTED] was completed by the I-I, H&S Co, HQ&Svc Bn, 4th FSSG which supports the break in service (enclosure (3)).

c. No documentation is available which shows another enlistment or extension on his current enlistment until 30 September 1980 which shows him enlisting for a period of 1 year (enclosure 4).

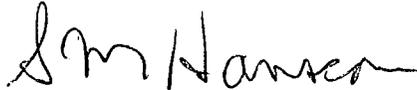
Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF FORMER [REDACTED]

4. [REDACTED] requests to have his anniversary date begin on 21 April 1976 vice 22 April 1977. His justification for this request is an Organized Reserve Medal Certificate. Enclosure (2) and enclosure (5) show his enlistment began on 22 April 1977.

5. [REDACTED] states his Reserve Retirement Master Control Card shows him transferred to the Inactive Reserve on 28 December 1990. He further states he was extended for one year from June 1990 to June 1991. As evidenced in enclosure (1), [REDACTED] record shows continuous service from 30 September 1988 until his separation on 9 June 1991.

6. As indicated in enclosure (1), [REDACTED] has been credited with 17 years, 8 months and 10 days of qualifying service for a reserve retirement. Since 20 years of qualifying service is required, [REDACTED] is not eligible for reserve retired pay.

7. Based on the information provided, it is recommended that Mr. [REDACTED] petition not receive favorable consideration. Point of contact is Major Fenton (703) 784-1999.



S. M. HANSCOM
Head, Separation and Retirement Branch
By direction of the Commandant
of the Marine Corps