



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

LCC
Docket No. 9625-07
14 Jul 08

[REDACTED]

Dear [REDACTED]

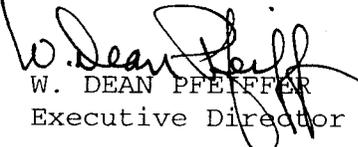
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 July 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, memorandum 4050.1S LPD-2, 28 April 2008, 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. 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,


W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:

4050.1S

LPD-2

28 Apr 08

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

Subj: PETITION OF [REDACTED]
[REDACTED]

Ref: Joint Federal Travel Regulations (JFTR)

1. [REDACTED] is requesting shipment of his vehicle to his Home of Selection (HOS) of [REDACTED]. Regrettably, the JFTR does not permit shipment of a vehicle to OCONUS locations unless the location is the place the service member entered active duty. Additionally, the JFTR only permits shipment of a vehicle within CONUS under particular situations as specified in the reference and these situations do not apply to [REDACTED] case. There is no verbiage within the JFTR that provides the Marine Corps the authority to grant this entitlement, even under Exceptional Family Member Program (EFMP) criterion.

2. [REDACTED] has also stated he was incorrectly advised initially as to his entitlements. However, as determined in Comptroller General Decision B-193353 (9 Feb 79), "In the absence of specific authority, the United States is not liable for the erroneous actions of its officers, agents or employees, even though committed in the performance of their official duties."

3. Unfortunately, this Headquarters is unable to recommend a favorable determination of this case.

A handwritten signature in black ink, appearing to read "R. Butherus", written over a horizontal line.

ROBERT BUTHERUS

By direction