



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

TRG  
Docket No: 94-08  
17 December 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 9 December 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 an advisory opinion furnished by Headquarters Marine Corps, a copy of which is enclosed.

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



UNITED STATES MARINE CORPS  
MARINE CORPS RECRUITING COMMAND  
3280 RUSSELL ROAD  
QUANTICO, VA 22134-5103

IN REPLY REFER TO:

1610

G-1

JUN 26 2008

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]  
[REDACTED] USMC

Ref: (a) SECNAVINST 5420.193

1. The reference requests an advisory opinion from this Command concerning the date of rank to first lieutenant.

2. After reviewing the available records, this Command recommends disapproval. Commissioned officers with over 4 years of prior active service as an enlisted member are entitled to count such service for purposes of computing basic pay for longevity purposes. First [REDACTED] did not have the required active duty service to qualify for the special rate of pay. [REDACTED]' appeal consistently mentions his grade while enlisted. Grade is not a deciding factor when determining the entitlement to special rate of basic pay. Also, personnel who have been credited with 1460 points for retirement are eligible for the special rate of basic pay; [REDACTED] did not have the required points at the time of commission which makes him ineligible for the special rate of pay.

3. Point of contact at this Command is [REDACTED]  
[REDACTED] at DSN 278-9430 or commercial (703) 784-9430.

*A. G. Ferdinand*  
A. G. FERDINAND  
By direction



UNITED STATES MARINE COR.

THE BASIC SCHOOL  
TRAINING COMMAND  
24164 BELLEAU AVE  
QUANTICO, VIRGINIA 22134-5106

IN REPLY REFER TO:  
1000  
C474-PERS  
10 Jul 06

From: Personnel Officer, Consolidated Administrative Center  
To: Board for Correction of Naval Records

Subj: REVIEW OF OFFICER QUALIFICATION RECORD (OQR) ICO: [REDACTED]  
[REDACTED]

1. After a thorough review of SNO's OQR, it is my determination that SNO has never been reduced in rank nor been subject of any derogatory material.

2. Point of Contact is [REDACTED] at DSN 278-5556.

  
S. C. WILLIAMS

Encl: (b)