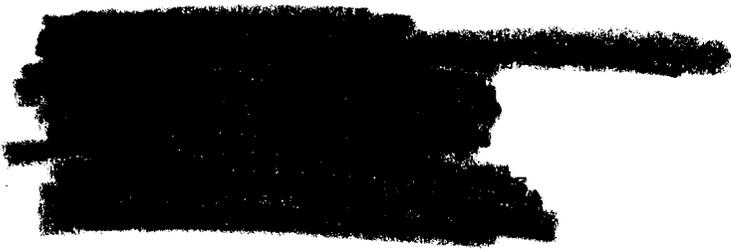




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No. 05907-08
2 September 2008



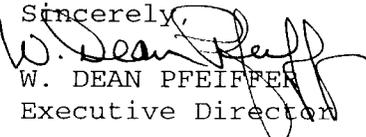
Dear [REDACTED]

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 2 September 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. The Board considered the advisory opinion furnished by HQMC memo 1040 MMEA of 18 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. 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
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

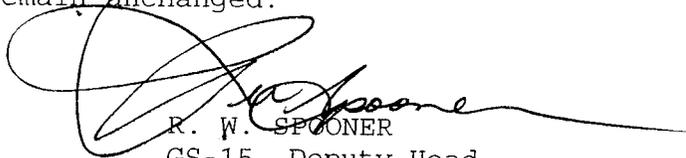
IN REPLY REFER TO:
1040
MMEA
18 Aug 08

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: BCNR DOCKET NUMBER 05907-08; REQUEST FOR COMMENTS AND RECOMMENDATIONS IN THE CASE OF [REDACTED]

Ref: (a) MCO 1130.80A

1. We have carefully reviewed [REDACTED] case and provide the following comments.
2. On 1 September 2007, [REDACTED] elected to end his active service in the Marine Corps. Approximately 45 days later he began the process of rejoining the Marine Corps. On 1 April 2008, this process was completed when [REDACTED] reenlisted.
3. In accordance with the reference, [REDACTED] was reaccessed with broken service because he did not reenlist within a 90 day window after his previous End of Active Service. As such [REDACTED] does not qualify to be considered a continuous service reaccession which would allow him to maintain the pay grade from his previous enlistment.
4. A board convened to review reaccessions by Staff Non-Commissioned Officers, elected to establish [REDACTED] date of rank as the date of reaccession to ensure sufficient time for career progression requirements.
5. This headquarters recommends that [REDACTED] date of rank for Staff Sergeant remain unchanged.


R. W. SPOONER
GS-15, Deputy Head,
Enlisted Assignments Branch