



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

TRG
Docket No: 9975-08
9 June 2009

[REDACTED]

Dear [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 2 June 2009. 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 and your rebuttal thereto dated 26 January 2009.

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

INRSD(REFER TO:
MMSR-5
30 Dec 08

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

Subj: BCNR ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED] (RETIRED)

Ref: (a) Chairman BCNR ltr TRG:jdh Docket No: 09975-08 of
7 Nov 08
(b) Title 10, U.S. Code, Section 12731a
(c) Selected Reserve Transition Benefits Program (MCO
P1900R.17)

Encl: (1) Copy of [REDACTED] retirement request w/end dtd
19930713

1. Reference (a) requests an advisory opinion on [REDACTED] petition to correct his record to show he was not approved for an honorary retirement, but eligible for an early retirement under the provisions of reference (b). This would then entitle him to pay at age 60.
2. The provisions of references (b) and (c) permitted an involuntarily separated member of a Selected Marine Corps Reserve (SMCR) Unit or an Individual Mobilization Augmentee (IMA) member due to deactivation or relocation of the unit to transfer to the Reserve Retired List Awaiting Pay at Age 60. The Marine must have had 15 but less than 20 qualifying years of service of which the last 6 qualifying years of service had to be earned while a member of a reserve component. The early retirement must have been approved between 1 October 1991 and 31 December 2001. The request needed to be submitted in writing via the chain of command, the endorsement needed to state the reason the Marine should be considered for early retirement, and whether or not the Marine had been offered another SMCR billet within a reasonable commuting distance.
3. A review of [REDACTED] service record shows he had 17 years of qualifying service with the last 6 years being qualifying. Unfortunately, he was not an SMCR or an IMA member as required in reference (c). He was a Mobilization Training Unit (MTU) member participating with H&MS-49, Det A, South Weymouth, MA

JAN -5 2009

Subj: BCNR ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED] (RETIRED)

which was slated for deactivation. [REDACTED] did not submit his retirement request through the SMCR unit, but sent it directly to the Commanding General, Marine Corps Reserve Support Command. As shown in the enclosure, the request did not indicate he was requesting an early retirement nor did the endorsement state he was denied another billet within a reasonable commuting distance.

4. On 1 May 2003, [REDACTED] was approved for an honorary retirement due to having a minimum of 8 qualifying years of service needed for eligibility. An Honorary Retirement does not entitle a Marine to Retired Pay at Age 60. [REDACTED] was not approved for an Early Retirement with Pay.

5. Based on the above, we recommend [REDACTED]'s petition be denied.

6. Point of contact is Major J. R. Fenton at (703) 784-9306.



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