



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

DJC
Docket No. 264-09
14 July 2009

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 13 July 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 the advisory opinion furnished by HQMC Memo 1040 MMEA dtd 4 Jun 09, a copy of which is attached.

Your application alleges, essentially, that your command erred by failing to submit your "Reenlistment, Extension, Lateral Move Request" (RELM) before 19 September 2008. That failure, you aver, caused you to miss an opportunity to reenlist for a bonus. The Board notes that you had Achilles tendon surgery on 12 August 2008. The governing instructions prohibit reenlistments during periods of light or limited duty. Your application does not reveal when you were returned to full duty after your surgery however it shows that you were convalescing at least until approximately 23 September 2008 (four days after you contend the command should have submitted your RELM). Under these circumstances, the Board finds that you have not submitted sufficient evidence of an error or injustice that would warrant relief. It appears you were not physically qualified to reenlist on the date you claim the command failed you by not submitting the RELM. 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