



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

TRG

Docket No: 396-09
30 April 2009

[REDACTED]

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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 21 April 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.

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.

You enlisted in the Marine Corps on 12 May 2003 at age 19. On 3 September 2004, your brother was killed in action in Iraq. Subsequently, you requested release from active duty because you were the sole surviving member of your family. This request was granted and you were released from active duty on 20 December 2004. The narrative reason for your separation was "surviving family member" with a separation code of MCQ1.

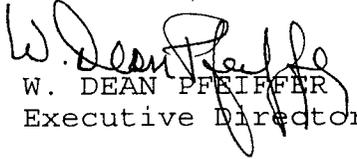
You desire a change in the separation code because it is preventing you from enlisting in the National Guard apparently because the regulations prevent the enlistment of individuals in your situation. It is clear from documents in your file that you could have remained on active duty but elected to be released. Further, the Board noted that even if the separation code and narrative reason were changed, that you would still be a surviving family member and this information would either be available or should be disclosed to recruiters.

The Board concluded that the narrative reason and separation code were properly assigned and no change is warranted.

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