



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

TRG
Docket No: 1705-09
29 May 2009

[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 27 May 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.

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

IN REPLY REFER TO:
1800
MMSR-5
7 Apr 09

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

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

Ref: (a) Chairman BCNR ltr TRG:jdh Docket No: 01705-09 of
24 Mar 09

Encl: (1) Career Retirement Credit Record

1. The reference requests an advisory opinion on [REDACTED] petition to make his anniversary year beginning 23 July 1997 satisfactory by transferring points from the following anniversary year, which is satisfactory.
2. [REDACTED] claims that he was unable to complete a satisfactory year due to the high academic demands of his first year in law school.
3. Per the enclosure, [REDACTED] has 14 satisfactory anniversary years creditable towards a reserve retirement and will have 15 satisfactory years at the conclusion of his current anniversary year which ends 22 July 2009. The movement, or non-movement, of points will not affect [REDACTED] retirement eligibility. As long as Major Muller continues to earn qualifying service, he should achieve 18 satisfactory years of service prior to his mandatory retirement date of 1 January 2014. He would then be in a "sanctuary" status and will be afforded the opportunity to achieve retirement eligibility as per Title 10 law.
4. Based on the above, this Headquarters recommends [REDACTED] petition to move points not receive favorable consideration.
5. Point of contact is Major Fenton at (703) 784-9306.

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

MAR 13 2009