



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

DJC
Docket No. 3773-09
16 June 2009

[REDACTED]

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 15 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 the advisory opinion furnished by CMC Memo 1040 MMEA dtd 26 May 09, 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 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,

A handwritten signature in dark ink, appearing to read "W. Dean Pfeiffer", is written over the typed name.

FOR 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
26 May 09

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

Subj: BCNR DOCKET NO. 03773-09; REQUEST FOR ADVISORY OPINION IN THE CASE OF [REDACTED]

Ref: (a) MARADMIN 370/08
(b) MARADMIN 367/08

1. We have carefully reviewed [REDACTED] request and the following comments are provided.
2. On 10 October 2008, [REDACTED] submitted a lateral move request for a Primary Military Occupational Specialty (PMOS) of 0352 to this headquarters. On 14 October 2008, [REDACTED] request was approved, and he executed the lateral move. At the time of his lateral move, [REDACTED] was eligible for a Fiscal Year 2009 Zone A Selective Reenlistment Bonus (SRB) of \$46,000 per reference (a). He received this SRB on 24 April 2008.
3. Marines who request lateral move are not authorized the Monitored Command Code SRB kicker of \$25,000 per reference (a), paragraph 6. Marines who elect lateral move in conjunction with reenlistment will be assigned a duty station according to the needs of the Marine Corps per reference (b), paragraph 12.
4. This headquarters recommends [REDACTED] not receive the SRB kicker as outlined in reference (a). This headquarters also recommends [REDACTED] remain at his present assignment per the needs of the Marine Corps.

R. W. SPOONER
Deputy Head
Enlisted Assignment Branch