



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

JET  
Docket No. NR8441-13  
28 Jan 15

[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 28 January 2015. 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 opinions furnished by HQMC memo 5000 G-7 of 2 Apr 14 and HQMC memo 1000 RAP of 24 Sep 14 and HQMC memo 1001 RAP of 26 Jan 15, copies of which are 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 making this determination, the Board concurred with the comments contained in the advisory opinion. In particular, the Board found that you knowingly and voluntarily signed the "Written Agreement for the Selected Marine Corps Reserve Enlisted Affiliation Bonus (SMCR EAB) on 16 March 2009, acknowledging that, "a. I will serve satisfactorily, as prescribed by the appropriate regulations of the United States Marine Corps, for a period of 36 months...unless excused for the convenience of the government. PJH [you initialed] Initial". The Board found that you further acknowledged "c. I further understand that if any of the following occur it will be considered a breach of my obligation and my incentive will be recouped at a prorated amount; (4) I transfer to the IRR. PJH

[you initialed] Initial". On 8 September 2011, you voluntarily transferred to the Individual Ready Reserve (IRR), seven months short of completing the 36 months of the agreement you knowingly and voluntarily signed on 16 March 2009 in the SMCR EAB.

Furthermore, the Board concurred with the advisory opinion that you "may request to reenlist in the Marine Corps Reserve through a Prior Service Recruiter provided you meet all the requirements for an "off-contract" accession". However, if you are approved to reenlist, your service upon reaffiliation will not be used to satisfy your previous obligated service requirements to nullify recoupment of your debt. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board members also considered your request for a personal appearance; however, they found that the issues in the case were adequately documented and that a personal appearance would not materially add to the Board's understanding of the issues involved. Thus, your request for a personal appearance has been denied.

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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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,



ROBERT J. O'NEILL  
Executive Director

- Enclosures: 1. HQMC memo 5000 G-7 of 2 Apr 14  
2. HQMC memo 1000 RAP of 24 Sep 14  
3. HQMC memo 1001 RAP of 26 Jan 15