



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

JET
Docket No. NR3196-14
2 Feb 15



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 2 February 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 opinion furnished by HQMC memo 7220 MPO of 18 Jun 14 and HQMC memo 7220 MPO of undtd, 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 concurred with the comments contained in the advisory opinion. Essentially, the Board found that you were given permanent change of station (PCS) orders which directed you to a new permanent duty station (PDS), Headquarters, and Service Battalion, Headquarters Marine Corps, Henderson Hall, Arlington, Virginia in August 2012. Those orders authorized the move of your dependents to your new PDS at the expense of the U.S. government. Furthermore, the Board found that you chose to leave your dependents behind in Virginia Beach, Virginia, based on your claim that removing your wife and daughter, [REDACTED] from their doctors' care posed a risk to their "continuity of care". The Board found that you had orders to move your dependents at

the government's expense, and you voluntarily chose not to move your dependents to your PDS.

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 7220 MPO of 12 Jun 14
2. HQMC memo 7220 MPO of undtd