




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


Docket No. 3104-16
MAR 12 2017



Dear 

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 23 November 2016. 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, policies, and the advisory opinion provided in HQMC memo 7220 MPO of 30 September 2016. A copy of this advisory opinion 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 concurred with the advisory opinion that the Statement of Understanding (SOU) was not properly completed, in that it failed to include "I must accept my commission on or before date," which would have notified you that you were required to accept your commission on or before 1 October 2011 (MARADMIN 373/08). However, the Board found that though you met one of the requirements of signing the contract between 1 August 2008 and 30 September 2009, you failed to meet the second and most important requirement of commissioning prior to 1 October 2011. You did not receive your commission until 12 May 2012. Furthermore, the Board found that per MARADMIN 373/08 published 30 June 2008, the final installment of the College Loan Repayment was required to be paid before 1 October 2014. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

In regard to your request for a personal appearance, be advised that the Board regulations state personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of the record.

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,

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Executive Director

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