



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

Docket No. 6085-21
Ref: Signature Date

Dear [REDACTED],

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 16 November 2021. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Headquarters Marine Corps memorandum 1920 MMSR-2 of 20 October 2021 and your response to the opinion.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

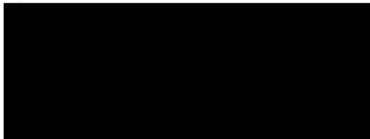
You requested to retire under the Temporary Early Retirement Authority (TERA) vice Temporary Disability Retired List (TDRL). The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that you did not meet the eligibility criteria for retirement under TERA in accordance with Department of Defense Instruction 1332.46. Specifically, the policy indicates TERA should be used to retire service members who would have been expected to pursue and qualify for a 20-year retirement. A review of your record indicates that on 7 September 2018, you signed an NAVMC 118(11), Administrative Remarks assigning a reenlistment code of RE-30 due to your refusal to extend or reenlist to incur obligated service for the recruiting duty orders you received; you chose not to submit a statement. Marine Corps Administrative message

135/19 was released on 5 March 2019, authorizing TERA. However, your refusal to extend or reenlist rendered you ineligible for TERA because you would not have qualified for a 20-year retirement. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/17/2021



Deputy Director

Signed by: 