

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 900-22 Ref: Signature Date

Dear :

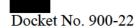
This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found 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 10 February 2022. 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 accordance with Title 10 U.S.C. Section 2107(g), in computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted service, other than concurrent enlisted service performed on or after August 1, 1979, as a member of the Selected Reserve.

On 14 December 2000, you enlisted for 8 years in the U.S. Marine Corps Reserve. On 15 May 2003, you signed a United States Marine Corps Appointment Acceptance and Record (NAVMC 763) in the U.S. Marine Corps Reserve as a Second Lieutenant under the Naval Reserve Officers Training Corps (NROTC) program.

On 10 September 2021, you received an email from HQMC notifying you that your time spent as a cadet or midshipman resulting in a commission is not creditable for retirement eligibility. Accordingly, the date of entry into the service academy or ROTC program shall not be used to establish the initial anniversary date. The appointment acceptance date recorded in block 22 of NAVMC 763 establishes your initial anniversary date.



You requested your anniversary year date be returned to 13 December 2001 vice 15 May 2003. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that the period of 14 December 2000 to 14 May 2003 may not be credited with service either as a cadet or midshipman, therefore, qualifying year ending 13 December 2003 did not count. Furthermore, there was no legal way to move points or to credit time for that period due to your date of commissioning.

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.

