



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

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Docket No. 6767-22
Ref: Signature Date

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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 16 March 2023. 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 by Headquarters, U.S. Marine Corps memo 1900 MMSR of 2 November 2022, and your response to the advisory opinion.

On 13 January 2000 you enlisted in the U.S. Marine Corps Reserve for 8 years with an Expiration of Obligated Service of 12 January 2008.

In accordance with MCO 1650.33 published on 4 May 2000, states that The Marine Corps Tuition Assistance Program (MCTAP) was created in 1999 as a recruiting incentive specifically designed to encourage college students to consider the Platoon Leaders Class (PLC) Program early in their collegiate career. Title 10, Section 16401 U.S. Code gives the Marine Corps the authority to implement the MCTAP beginning 1 October 1999. The MCTAP will allow up to 1200 once-trained members of the PLC program to receive tuition assistance payments of up to \$5200.00 per academic year. Eligible members may receive reimbursements for verified qualifying expenses for up to three consecutive years. MCTAP funds are available for the purpose of obtaining a baccalaureate degree or juris doctor (or equivalent) degree. The maximum amount that a member may receive is \$15,600.00 over a period of three consecutive years. If a member accepts tuition assistance through the MCTAP, a 60 month active duty service obligation is incurred.

Pursuant to Title 37, Section 205 (f) U.S. Code, PLC members who enroll in the MCTAP will receive a Pay Entry Base Date (PEBD) that corresponds to the date of commissioning, with adjustments for periods of active duty for training, unless the PLC member is also a member of the Selected Marine Corps Reserve (SMCR). Selected Marine Corps Reservists, who are concurrently enrolled in the PLC program, will continue to be entitled to longevity credit. Any PLC member who chooses not to enroll in the MCTAP will retain the service obligation contained in their current service agreement and will receive longevity credit.

On 15 May 2000 the Commandant of the Marine Corps (CMC) notified you that your application for the Platoon Leaders Class had been considered by a board of officers convened at this command, and it was a pleasure to inform you that you had been selected for participation in the subject program.

Upon acceptance of these orders and on such date as would enable you to proceed from your home address, report between 1400 and 1800 on 28 May 2000 to the Commanding Officer, Officer Candidates School, Marine Corps Combat Development Command, █, █. You were assigned to temporary active duty for the purpose of undergoing a physical examination to determine your fitness for assignment to active duty for training.

On 19 April 2001 the CMC notified you that your application for the Platoon Leaders Class had been considered by a board of officers convened at this Command, and it was a pleasure to inform you that you had been selected for participation in the subject program.

Upon acceptance of these orders and on such date as would enable you to proceed from your home address, report between MOO and 1800 on █ to the Commanding Officer, Officer Candidates School, Marine Corps Combat Development Command, █, █. You were assigned to temporary active duty for the purpose of undergoing a physical examination to determine your fitness for assignment to active duty for training.

On █ you signed a Financial Assistance Agreement Platoon Leaders Class form, and Tuition Assistance Agreement Platoon Leaders Class Program.

On 20 December 2002 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 PLCAVF program. Furthermore, it listed a PEBD of 27 April 2001. The period of prior service listed as CTAP from 1 August 2001 to 30 June 2002 is not creditable for Pay purposes.

On 31 August 2011 your Marine Corps Total Force System (MCTFS) Basic Individual Record, listed a PEBD of 27 April 2001—currently MCTFS shows a PEBD of 30 September 2002.

On 7 September 2022 you signed a Waiver/Remission of Indebtedness Application (DD Form 2789) due to PEBD error discovered upon completion of SOS verification. Furthermore, the request was received by cognizant authority and approved on 8 September 2022.

You were retired with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 9 April 2003 to 28 February 2023 upon having sufficient service for retirement.

You requested to return your PEBD to 28 May 2000, 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 although the initial setting of your PEBD as 27 April 2001 at commissioning was at no fault of your own, your PEBD should have been 30 September 2002 based on your commissioning date of 20 December 2002 minus periods of active duty for training. Pursuant to Title 37, Section 205 (f) U.S. Code, PLC members who enroll in the MCTAP will receive a PEBD that corresponds to the date of commissioning, with adjustments for periods of active duty for training, unless the PLC member is also a member of the SMCR. Therefore, calculating your PEBD in a manner other than specified in Title 37, Section 205 (f) U.S. Code would be inappropriate. 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,

3/20/2023

