



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. 7917-22
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 2 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 also considered the advisory opinion by Headquarters, U.S. Marine Corps (MMSR-5) of 30 Nov 22, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

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.

On 11 February 1980 you enlisted in the Marine Corps Reserve for 6 years with an expiration of obligated service of 10 February 1986, and entered active duty on 25 September 1980.

On 17 November 1993 you signed an administrative remarks (NAVMC 118(11)) with the following: "Having been approved for separation under the SSB Program, I hereby acknowledge my required service obligations under P.L. 102-190, as outlined, in the SSB Program Disclosure. I further acknowledge the assignment of Reenlistment Code RE-3S [Separated with Special Separation Benefit] upon separation and understand that I am fully eligible for reentry into the Armed Forces with a waiverable disqualification."

On 17 May 1999 the Commandant of the Marine Corps notified you that the Secretary of the Navy approved your unit diary request of 10 February 1999 for transfer to the Retired Reserve. You are transferred to the Honorary-Retired List of the Marine Corps Reserve, without pay and allowance, per the provisions of reference MCO P1900.16E and Title 10, USC Section 274 and 12774 effective 1 July 1999.

You were separated 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 11 August 1984 to 31 December 1993 via Voluntary Separation Incentive (VSI) early release program. Furthermore, block 18 (Remarks) listed the following: "...paid SSB \$40,704.80 on 31 December 1993..." block 26 (Separation code) listed KCA1 [Early release program-voluntary separation incentive], and block 27 (Reentry code) listed RE-3V [Separated with voluntary separation incentive].

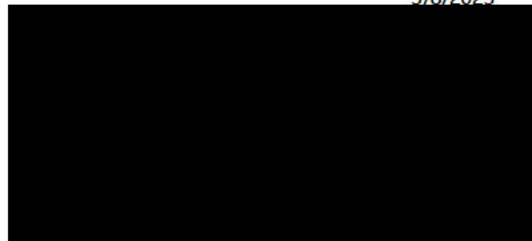
On 4 February 1994 the Leave and Earnings Statement (LES) for the month of January listed special separation benefit of \$40,704.80 under entitlements.

You requested that your DD Form 214 ending on 31 December 1993 reflect that you were paid VSI vice Special Separation Benefit (SSB).¹ 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 on 17 November 1993 a NAVMC 118(11) entry was signed by you agreeing to SSB. Furthermore, although your DD Form 214 has contradicting entries reflecting both SSB and VSI, it also shows you were paid for the SSB. Finally, the LES issued in February 1994 shows you were paid for the SSB. 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,

3/8/2023



¹ In accordance with DoD 7000.14-R FMR Volume 7B, Chapter 4, VSI is an annual payment to members who separated voluntarily from service before December 31, 2001, under conditions prescribed by the Secretary of the Military Department concerned (or designee). SSB is a lump-sum payment to members who separated voluntarily from service before December 31, 2001, under conditions prescribed by the Secretary of the Military Department concerned (or designee).