



**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. 8203-23  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 January 2024. 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 U.S. Marine Corps memorandum 1820 MMSR-5 of 30 October 2023, which was previously provided to you for comment.

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 "unpaid appropriate/associated duty orders for the drills I completed for the retirement points." 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 do not meet the criteria for Appropriate Duty orders, Associate Duty orders and/or drill credit in accordance with Marine Corps Order 1001R.1J. Specifically, the policy indicates non-paid inactive duty training (IDT) programs, exclusive or Selected Marine Corps Reserve (SMCR) training includes Appropriate and Associate Duty orders. The criteria for Associate Duty orders required the Commanding General (CG), Marine Corps Reserve Support Command

(MCRSC) authorization for members of the Individual Ready Reserve and the Standby Reserve (ASL) to perform inactive duty on an affiliated basis with a Reserve or Active Component unit. Appropriate Duty orders required authorization from Commander, Marine Forces Reserve (COMMARFORRES) or CG, MCRSC for Reservists (SMCR, IRR and ASL) under their cognizance to attend special functions, to perform certain tasks or to undergo IDT for Reserve retirement credit points.

A review of your record indicates you were assigned to the IRR as a Student Judge Advocate on 16 June 2001, executed Active Duty for Special Works orders from 1 July 2002 to 30 August 2002 and then returned to IRR on 31 August 2002 and remained in the IRR until 1 September 2004. On 2 September 2004, you entered active duty and served in the active component through 2 May 2012. At that time, you were released from active duty and transferred to the U.S. Marine Corps Reserve.

You provided the Board with 15 duplicated NAVMC 799, Equivalent Instruction Report forms retroactively signed by a retired Marine on 16 February 2023 certifying that you completed 30 drill periods with the Legal Assistance Office at Marine Corps Air Station, █. The Board agreed that your request for correction is untimely and had no way of verifying that you were approved by the CG, MCRSC or COMMARFORRES to execute Appropriate Duty orders and/or Associate Duty orders or that the retired Marine that signed your drill documents had authority to approve the drill credit. Therefore, under these circumstances, a change to your record is not warranted.

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,

2/1/2024

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