



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 05797-01
29 November 2001

SS [REDACTED]
[REDACTED]
[REDACTED]

Dear Staff Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 November 2001. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Marine Corps Recruiting Command, dated 31 August 2001, a copy of which is attached, and your letter dated 17 October 2001 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

The Board was unable to find anything misleading, inaccurate or gratuitous about the statements in paragraph 2 of the contested request dated 23 September 1998 for your relief from recruiting duty for the good of the service. They noted that your rebuttal of 25 September 1998 to the contested request did not bring up the matter of your wife's diabetic condition. The Board was unable to accept your unsupported statement, at paragraph 3 of your letter dated 17 October 2001, that after you were first diagnosed with acute stress reaction, all parties involved agreed this diagnosis was not a hindrance to your performance of your duties, "so long as [you were] placed in a Recruiting Sub [sic] Station that could better assist [you] in ensuring that [your] both [sic] wife's needs were not met, as well as ensuring that [you] had every available resource at [your] disposal to accomplish [your] mission." In this regard, they noted that your rebuttal of 25 September 1998 stated "it

has also been determined by the physicians that these symptoms will subside with this relief [emphasis added]." They noted that the request for your relief did not indicate any problem with your production, which your letter of 17 October 2001, paragraph 4, says you achieved "without many of the tools required." The Board found no inconsistency between the request for your relief, on the one hand, and your change of duty fitness report for 13 March to 24 September 1998 and Outstanding Recruiter Award for June 1998 on the other. Finally, the Board found your relief from recruiting duty, of which you were notified, dictated voiding of your additional military occupational specialty of 8411 (recruiter), so failure to notify you specifically of this administrative action would be inconsequential.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director

Enclosure



57979

UNITED STATES MARINE CORPS
MARINE CORPS RECRUITING COMMAND
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

IN REPLY REFER TO:
1610
G-1
31 Aug 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) APPLICATION IN THE
CASE OF STAFF [REDACTED] MC

Encl: (1) Copy of Staff Sergeant [REDACTED]'s statement of 25 Sep 98

1. We were asked to provide an advisory opinion on Staff Sergeant [REDACTED]'s request to have all references to his relief for good of service (GOS) removed from his Official Military Personnel File (OMPF). We recommend that Staff Sergeant [REDACTED]'s request be denied.
2. On 4 December 1998, Staff Sergeant [REDACTED] was relieved of his duties as a canvassing recruiter by the recruiting station commanding officer. On 28 October 1998, Staff Sergeant [REDACTED] additional Military Occupational Specialty (MOS) of 8411 was voided by the Commanding General, Eastern Recruiting Region. The GOS relief in this case is a result of Staff Sergeant [REDACTED] suffering from a diagnosed case of acute stress reaction, which impaired his ability to handle situational personal conflicts associated with the rigors of recruiting duty. Staff Sergeant [REDACTED] asserts that language included in his GOS recommendation is adverse and that he should have been given an opportunity to provide a rebuttal statement. In fact, Staff Sergeant [REDACTED] provided a rebuttal statement to his GOS recommendation, a copy of which is at enclosure (1), which includes statements about the language he believes is adverse. His statement was filed as enclosure (7) of the original GOS package in his case.
3. Staff Sergeant [REDACTED]'s GOS was processed in accordance with Volume III, Guidebook for Recruiting Station Operations. We recommend that Staff Sergeant [REDACTED]'s request for removal of references to his relief for GOS from recruiting duty be denied.

[REDACTED]
Chief of Staff