



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

TRG
Docket No: 6608-02
29 August 2002

[REDACTED]

[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 27 August 2002. 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.

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.

You reenlisted in the Marine Corps Reserve for three years on 17 December 1998. On 15 July 2001, you were released from a period of active duty and transferred to the Individual Ready Reserve (IRR). You contend in your application that 90 days before the expiration of your enlistment, you began the reenlistment process but because of inefficiencies in the system and the incompetence of the individuals involved, your enlistment expired on 16 December 2001 before you could be reenlisted. You are requesting reenlistment without any broken service.

The Board does not normally correct the record to show a reenlistment since it cannot be certain the individual is eligible or otherwise qualified for such an action. Therefore, the Board considered whether the enlistment that ended on 16 December 2001 should be extended for a sufficient period to allow your reenlistment. However, the Board believed that the best way to solve your problem was to defer any action until you have actually reenlisted. Once you have submitted proof of this reenlistment, you may reapply to the Board, requesting that the reenlistment be backdated to 17 December 2001. If this request is granted, you would then have no break in service. Therefore,

the Board concluded that a correction to your record was not warranted at this time.

Accordingly, 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