



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

*BJG*

BJG  
Docket No: 3797-02  
7 October 2002

MR [REDACTED]  
[REDACTED]  
C [REDACTED]

Dear [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.

You requested, in effect, correction of your naval record to show you were on the Inactive Status List (ISL) from your release from active duty on 16 January 1995 to your receipt of new orders to return to active duty on 15 November 2001; removal of your failures of selection by the Fiscal Year 2001 and 2002 Reserve Major Selection Boards; removal of your resignation; and by implication, cancellation of your discharge from the Marine Corps Reserve on 14 January 2002.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 October 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. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 31 May 2002, a copy of which is attached.

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. They were unable to find you were improperly advised or that you even inquired about the ramifications of Individual Ready Reserve (IRR) versus ISL status. They found no indication that you ever submitted a resignation; on the contrary, your undated letter at enclosure (9) to your application indicated you did not wish to resign your commission. 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

Copy to:  
The Honorable Barbara Boxer  
The Honorable Dianne Feinstein



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

3797-02

IN REPLY REFER TO:  
1000  
RA/cmt  
31 May 02

RESERVE AFFAIRS DIVISION COMMENT on MMEB [REDACTED]

Subj: BCNR APPLICATION ICO CAPTAIN [REDACTED]  
[REDACTED] USMCR

- Ref: (a) M&RA Tasker of 24 May 02  
(b) MCO P1001R.1 MCRAMM  
(c) MCO P1900.16 MARCORSEPMAN  
(d) [REDACTED] ltr undated to Mrs. Debbie Hays

1. In response to reference (a), the following information is provided. Capt [REDACTED] was retained in the IRR because he submitted a letter requesting that category of service. Therefore, his request to change his military record to reflect he was on the ISL is not recommended. Additionally, [REDACTED] Kasten's request to remove the two failures of selection to promotion and his resignation are not recommended. The following justification is provided.

2. As Capt [REDACTED] correctly notes, reference (b) dictates that Reserve officers not under an obligation will be transferred to the Inactive Standby List (ISL) if they fail to earn at least 27 retirement credit points during their anniversary year. Transfer to the ISL is accomplished per guidelines established in reference (c), para 3007 that requires the Marine Corps Reserve Support Command (MCRSC) to notify the nonobligor Reserve officer who has not met prescribed satisfactory Reserve participation.

3. Per reference (d), following his notification of failure to meet satisfactory Reserve participation and imminent transfer to the ISL, Cap [REDACTED] indicated his desire to remain in the IRR. His request was honored as allowed per reference (b), para 2506 that states, "A Reservist assigned to the ISL desiring transfer to an active status should submit a written request to the MCRSC."

4. Cap [REDACTED] failed to obtain the minimum required points necessary to be in the IRR for 5 consecutive years. Given this 5-year period of inactivity, even if Cap [REDACTED] had initially been granted a three-year tour in the ISL in 1995, he would still have been screened by the mobilization potential screening

11-02  
Subj: BCNR APPL [REDACTED] ICG [REDACTED] KA -EN,  
[REDACTED] ISMCR

board and discharged after three years as required by reference  
(c), para 3003.6.

5. The point of contact concerning this matter is [REDACTED]  
at commercial [REDACTED]

[REDACTED]

By direction