



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

DJC
Docket No. 11636-09
20 Jul 10

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

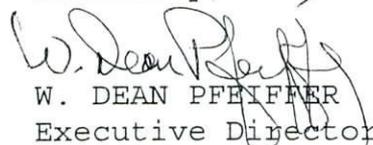
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 June 2010 and 30 June 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings 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 an advisory opinion furnished by Headquarters Marine Corps.

Records show that in approximately May 2006, you were selected for the Marine Enlisted Commissioning Program (MECEP). Under that program, it was expected that, after completion of your higher education, you would become a commissioned officer and serve on active duty for an additional term of service. Approximately two years into your education, you made a voluntary request to be disenrolled from the MECEP program and to be administratively separated from the United States Marine Corps. Accompanying your request was a statement explaining that you "have been a homosexual your whole life," that you "are no longer able to serve in any military service that has discriminating homosexual policies" and that you intended to "live an openly homosexual life." Based on your request and your voluntary admissions, you were separated in June 2009. You now seek a change to your record to entitle you to involuntary separation pay.

The Board noted that while you were attending school, you accepted full pay and allowances and also accepted approximately \$2500 in Veteran's educational benefits. You also occupied a MECEP billet that could have been filled by a more qualified individual. The Marine Corps relied upon the expectation that you would complete your education and serve as a commissioned officer for an additional term of service. That expectation was not met because you voluntarily requested to be disenrolled and administratively separated. There is no evidence that you were forced to make the disenrollment request or homosexual admission. You could have completed the MECEP program and fulfilled the additional term of service if you had wanted to. Under these circumstances, the Board found that the evidence submitted was insufficient to warrant separation pay or to establish the existence of probable material error or injustice. 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