



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No: 7903-16

NOV 29 2017

[REDACTED]
Dear [REDACTED]

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

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 application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 October 2017. 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You reenlisted in the Marine Corps on 22 November 1990 after more than 12 years of prior service. On 23 September 1993, you signed an Administrative Remarks, NAVMC 118 (Page 11) acknowledging that you made a voluntary decision to leave the Marine Corps and apply for the Voluntary Separation Incentive/ Special Separation Bonus program, which was final and irrevocable. You remained on active duty until 31 December 1993, when you were voluntarily discharged for the Early Release Program with an honorable characterization.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, and your contention that you were denied the right to retire from the Marine

Corps. In this regard, your record reflects that you acknowledged and were aware of the decision to leave the Marine Corps and the VSI program. Your discharge is subject to the applicable statutes, regulations, and policies governing your period of active duty enlistment. Lastly, the Board noted that you had the option to serve in the Marine Corps Ready Reserves to obtain a full retirement but you choose not to obtain such retirement and continue to serve. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director