

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

> Docket No. 94-24 Ref: Signature Date



Dear

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

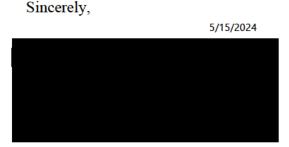
A three-member panel of the Board, sitting in executive session, considered your application on 2 May 2024. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures 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. In addition, the Board considered the advisory opinion contained in Headquarters, U.S. Marine Corps (HQMC) memorandum 5420 MMEA of 16 January 2024, which was previously provided to you for comment.

On 27 July 2015, you entered active duty for 4 years with an End of Current Contract (ECC) of 26 July 2019, and were promoted to Sergeant/E-5 on 1 November 2018. On 30 January 2019, your First Term Active-Duty Lateral Move request was submitted and approved by HQMC on 1 March 2019. On 12 March 2019, you reenlisted for 6 years with an ECC of 11 March 2025. On 23 October 2019, Commanding Officer, Marine Corps Detachment Eglin notified you that "[y]ou have been academically dropped from Naval School Explosive Ordnance Disposal (EOD) School. **School** is eligible to reapply for EOD School. Effective 15 October 2019, you were instructed to submit for a reclassification to your Primary Military Occupational Specialties (PMOS)." On 12 November 2019, your Careerist Active-Duty MOS Reclassification was submitted and approved by HQMC on 12 December 2019. Message text states, "[b]onus Text: This request does not rate a Broken Service Selective Retention Bonus or Selective Retention Bonus (SRB) IAW MARADMIN 380/19. SNM is reverted back to MOS 5711 held at the time of reenlistment."

On 18 June 2021, your Careerist Active-Duty Lateral Move request was submitted and approved by HQMC on 6 July 2021. On 8 July 2021, you signed an agreement to extend enlistment for 17 months with an End of Active Service of 11 August 2026 in order to obligate service. On 29 July 2021, you were assigned ADMOS1 5711. On 19 August 2022, you successfully completed the Basic EOD Course. On 19 August 2022, you were assigned PMOS 2336.

You requested the FY 2019 Zone A SRB of \$50,000 with \$40,000 kicker for the MOS 2336. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that on 12 March 2019 you reenlisted for 6 years with a lateral move into PMOS 2336. You were dropped from the course, and you were subsequently approved reclassification into your former PMOS. In accordance with MARADMIN 370/18,<sup>1</sup> laterally moving Marines failing to complete required lateral move PMOS training were redesignated or administratively separated according to the needs of the Marine Corps and would receive no bonus; even if the PMOS the Marine was reclassified into was eligible to receive one. The Board determined that although you eventually successfully completed training and were awarded PMOS 2336 that in accordance with MARADMIN 370/18, when you dropped from training and reverted into your previous PMOS you lost SRB eligibility. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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.



<sup>&</sup>lt;sup>1</sup> MARADMIN 370/18 published on 2 July 2018, this bulletin announced the SRB program and the Broken Service SRB program authorized for FY19. With the advent of several new SRB programs, Marines were encouraged to thoroughly review the contents of this bulletin. First term Marines (Zone A) and career Marines (Zone B, C, D and E) who reenlisted on or after 5 July 2018 were eligible for the FY19 SRB program. This included any regular component first term or career Marine with an ECC from 1 October 2018 to 30 September 2019.

Bonus payment for Lateral Move PMOSs will not be made at the time of reenlistment but upon successful completion of PMOS training and subsequent award of the PMOS Bonus payment will be based upon the FY SRB authorized at the time of reenlistment. Marines who are in training beyond 30 September 2019 will be authorized payment of the PMOS bonus once Marine Corps Total Force System shows they have been awarded the new PMOS. Laterally moving Marines failing to complete required lateral move PMOS training will be re-designated or administratively separated according to the needs of the Marine Corps and will receive no bonus, even if the PMOS the Marine is reclassified into is eligible to receive one.