



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 568-00

12 June 2000

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 June 2000. 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.

The Board found that you enlisted in the Marine Corps on 16 November 1943 at age 18 and served until you were honorably discharged on 22 March 1946. On 24 July 1950 during the Korean War you submitted an application for a commission in the Marine Corps Reserve. On 10 October 1950 Headquarters Marine Corps (HQMC) directed the local officer recruiter to perform a classification test and interview you to determine your qualifications for commissioning. The recruiter returned your package on 13 December 1950 stating that you had "not indicated (your) desire for a commission."

Nothing else happened on this matter until 1997, when you wrote a letter to HQMC requesting that you be commissioned in the Marine Corps Reserve because you desired such action before you died. You stated at that time that you could not appear before the interview board because your wife was ill and had spent 15 months in the hospital. On 15 April 1998 HQMC denied your request for a commission stating, in part, as follows:

... The record shows you applied for a commission in the Marine Corps Reserve and your application was

approved. You were requested to appear before the Officer Procurement Interview Board, however, you did not report as requested and it was assumed you were no longer interested. You were never actually commissioned as an officer.

Qualifications for appointment as a commissioned officer under United States Code, Title 10, specifically states that an individual appointed must be able to complete 20 years of commissioned service before his fifty-fifth birthday. ...

Although it is unfortunate that you could not complete the commissioning process, the Board believed that the passage of almost 50 years since the events at issue precludes favorable consideration of your request for commissioning. 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