



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

JRE
Docket No: 747-01
23 October 2001

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 17 October 2001. 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 Headquarters, U.S. Marine Corps, dated 14 February 2001, 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. 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

Enclosure



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

IN REPLY REFER TO:
1760
MMSR-6J
14 Feb 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) MMER Route Sheet of 6Feb01, Docket No. 0747-01
(b) Title 10, U.S. Code, Section 1174
(c) SecNav Inst 1900.7G
(d) MCO P1040.31H (Enlisted Career Planning and Retention Manual)

1. Reference (a) requests an advisory opinion on Gunnery Sergeant [REDACTED] request for reassignment to active duty for 90 days to undergo medical processing.
2. Gunnery Sergeant [REDACTED] transferred to the Fleet Marine Corps Reserve (FMCR) on 31 December 2000 mandated by the provisions of the Enlisted Career Force Control Program (references (b), (c), and (d) apply). Gunnery Sergeant [REDACTED] original mandatory retirement date was 30 September 2000. He requested, and was granted, an extension to 31 December 2000. On 29 December 2000, Gunnery Sergeant [REDACTED] requested a further extension to 28 February 2001. That request was denied.
3. Gunnery Sergeant [REDACTED] was transferred to the FMCR by proper authority in accordance with current laws and regulations. His requests for extensions were duly considered according to policy and regulations and denied. Any medical issues resulting from Gunnery Sergeant [REDACTED] military service would now be under the cognizance of the Department of Veterans Affairs (DVA).
4. Therefore, we must regretfully recommend that Gunnery Sergeant [REDACTED] petition not be granted favorable consideration.
5. Point of contact is Mrs. [REDACTED], MMSR-2E, 784-9324.

[REDACTED]
By direction