

DEPARTMENT OF THE NAVY

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

LCC:ddj

Docket No: 7507-01

14 May 2002



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 14 May 2002. 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 by CMC memorandum 1500 CMT of 12 February 2002, 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:

1500 CMT 12 Feb 02

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

Subj: ADVICOPY OPINION IN THE CASE OF



Ref: (a) MCO P1040R.35 (RESERVE CAREER PLANNING MANUAL)

- 1. The following comments are provided: was off contract from the Marine Corps Reserve from 29 August 1997 to 30 May 2001. He subsequently reenlisted in the Marine Corps Reserve on 31 May 2001 for a period of 2 years and is currently serving on that enlistment. Corporal end of current contract is 30 May 2003.
- 2. Per paragraph 5104.2c of the reference, an applicant reenlisting in the Marine Corps Reserve after a three year separation will be appointed to the grade held at time of separation with the date of rank matching the date of reenlistment.
- 3. Corporal description is requesting that his original date of rank as Corporal 1 May 1996 be reinstated. Based on paragraph 5104.2c of the reference, this office recommends that Corporal date of rank as a Corporal be kept as the date he reenlisted in the Marine Corps Reserve, 31 May 2001.
- 4. The point of contact for this matter is Master Sergeant at commercial at commercial

By/direction