



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7824-99

28 June 2000

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 27 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. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps dated 27 January 2000, a copy of which is enclosed.

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:

1741  
MMSR-6  
28 Feb 00

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

Subj: BCNR APPLICATION IN THE CASE OF CAPTAIN [REDACTED]  
[REDACTED], USMC

Ref: (a) MMER Route Sheet of 14Jan00, Docket No. 7824-99  
(b) Title 10 USC, Section 6323

1. The reference (a) requests an advisory opinion on Captain [REDACTED] request to have his records corrected to show that he is eligible for retirement from the Marine Corps.
2. Captain [REDACTED] was commissioned on 2 September 1990. He was appointed a permanent limited duty officer on 1 September 1995. On 5 July 1996 Captain [REDACTED] requested retirement to be effective on 1 March 1997. His retirement request was disapproved by this Headquarters due to insufficient commissioned service. Reference (b) requires that an Officer complete 8 years of commissioned service to be eligible for retirement.
3. Captain [REDACTED] does not meet the requirements for retirement eligibility. We must therefore, regretfully, recommend that his petition not be granted favorable consideration.
4. Point of contact is Captain [REDACTED], MMSR-2, 784-9324.

[REDACTED]  
by direction