

DEPARTMENT OF THE NAVY

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

LCC:ddi

Docket No: 991-02 19 November 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 19 November 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 1420 RAP 22 of 5 November 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

a Company

HEADQUARTERS UNITED STATES MARINE CORPS 3280 RUSSELL ROAD QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO: 1420 RAP-22

NOV 0 5 2002

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

Subj: ADVISORY OPINION IN THE CASE OF

Ref: (a) MCO 1001.52J (Active Reserve (AR) Support to the Reserve Component (RC))

- (b) MCO P1400.32C (MARCORPROMMAN, VOL 2, ENLPROM)
- (c) MARADMIN 590/00
- (d) MARADMIN 146/01
- Encl: (1) Corporal Newsome's Request for Active Duty with the Active Reserve (AR) Program (without enclosures)
 - (2) CMC (RAM-2) ltr 1001/RAM-2 dtd 7 Dec 00 w/endorsement
 - (3) CMC (RAM-2) msq 171526 Jan 01
- 1. Corporal application with supporting documents has been reviewed concerning his request for promotion to Sergeant.
- 2. Reference (a) prescribes policies and procedures pertaining to the selection, assignment, retention, and administration of the Active Reserve (AR) program. The following paragraphs from this reference apply to this case.
- a. Paragraph 4.b states that applications to the program will be submitted per published Marine Corps Bulletins and this order.
- b. Paragraph 4.c.(3) states that promotions to and within the NCO ranks for AR Marines are conducted quarterly (Jan, Apr, Jul, and Oct) per reference (b).
- c. Paragraph 8.d states that assignments for personnel accepting their initial contract will normally be accomplished within 90 days of selection.
- 3. Per reference (a), Corporal Submitted a request for active duty with the AR program on 14 November 2000. (Enclosure (1)) Corporal indicated that he would be available for assignment on 19 February 2001.

- 4. Reference (c) announced results of the FY01-3 AR Enlisted Accession Board. Corporal Newsome was on the list of those selected. Paragraph 2 stated that members selected for accession would be notified by separate correspondence concerning billet assignment and assignment dates.
- a. CMC (RAM-2) sent enclosure (2) to Corporal on 7 December 2001. Corporal was instructed to endorse the letter and return it within 30 days of receipt.
- b. Corporal endorsed this letter on 12 January 2001. As part of this endorsement he provided a desired report date to his new command of 23 February 2001.
- c. As a result of this endorsement and Corporal request for a report date of 23 February 2001, CMC (RAM-2) published a set of orders on 17 January 2001 for Corporal Newsome ordering him to active duty effective 23 February 2001. (Enclosure (3))
- 5. The following comments/opinions concerning this case are provided:
- a. References (a) and (c) make no provisions for a minimum time frame for assignment to the AR program. Reference (a) only states that initial accessions will normally be accomplished within 90 days. The Active Reserve Program assigns new accessions to positions based on the needs of the Program. Assignment dates are also based on the needs of the Program. While there is no requirement for immediate assignment to the AR Program, RAM-2 makes every attempt to make assignments based on the individual Marine's request.
- b. RAM-2 requires a minimum ten-day period from the date of release from active duty to the date of assignment to the AR program. This period of time allows enough time for ensuring a Marine's electronic record is ready for him/her to be accessed to the AR program. Experience has shown that attempts to access Marines onto the AR Program before ten days have elapsed leads to pay problems upon accession to the AR Program.
- c. Corporal understood that he would not be accessed on active duty in the AR program before 19 February 2001 when he submitted his request on 14 November 2000. He extended this initial date to 23 February 2001 when he endorsed his acceptance letter on 12 January 2001.

- d. Information regarding promotions within the AR program is contained within references (a) and (b). Corporal submitted his request for active duty with the AR program per reference (a) and it is reasonable to expect him to have understood the requirements of the program prior to submitting an application.
- e. RAM-2 and Corporal had no reasonable way of knowing the impacts of these decisions at the time they were made. In fact, CMC (MMPR) did not publish the cutting score for promotion to Sergeant for 1 April 2001 until 23 March 2001 (reference (d))--one month after his initial accession to the program.
- f. Per reference (a), applications for active duty with the AR program are periodically solicited by RAM-2. Personnel applying for and accepted to the AR program are in a variety of different statuses within the active and reserve components, and are available for active duty with the AR Program on different dates. Given this variety, it is not feasible to track promotion eligibility and not possible to forecast cutting scores in advance to assist all Marines accessing to the AR program.
- g. The timing of Corporal Manage accession to the AR program relative to the cutoff date for computation of the cutting score for promotion to Sergeant is unfortunate. However, Corporal presents no information regarding his case that demonstrates proper policies and procedures were not followed as part of his accession to the AR program. Further, the ten-day break requirement would have allowed him to make the cutoff for cutting scores for promotion on 1 April 2001 had he requested this date in his endorsement to enclosure (2).
- 6. In view of the above, it is recommended that Corporal request for promotion to Sergeant effective 20010401 be denied.
 - 7. Point of contact is Maj mat DSN: 278-9136.

Head, Reserve Affairs Personnel Plans and Policy Branch By direction



UNITED STATES MARINE CORPS

Marine Aerial Refueler Transport Squadron 234
Marine Aircraft Group 41
Fourth Marine Aircraft Wing
Naval Air Station Fort Worth JRB, TX 76127

IN REPLY REFER TO 1001 AVI 14 NOV 00

From: Corporal USMO

To: Commandant of the Marine Corps (RAM-2)

Via: (1) Commanding Officer, Marine Aerial Refueler Transport

Squadron 234, Marine Aircraft Group 41

(2) Commanding Officer, Marine Aircraft Group 41

Subj: REQUEST FOR ACTIVE DUTY WITH THE ACTIVE RESERVE (AR)
PROGRAM (CAREER FORCE TOUR)

Ref: (A) MCO 1001.52H

Encl: (1) Current Photograph

(2) Certified True Copy of SRB pages 3, 9, 11 and 12

(3) Financial Statement

(4) Independent Duty Screening Checklist

(5) MCTFS TBTR Screen Printout

(6) MCTFS TROS Screen Printout

1. Per the reference, I request consideration for assignment in the AR Program.

2. My current personal data is as follows:

I am currently affiliated with the ACDU USMC.

Height: 75 inches Weight: 170 lbs

Marital Status: Single Number of Dependents: 0

Forecasted Date of Terminal Leave: 19 Jan 01

Address After EAS:

Home Phone After EAS:

Current DOR: 01 Apr 00

Current Home Mailing Address

Current Home Phone:

Current Work Phone:

Current FAX Number:

Unit Phone: DSN: 739-7082 Comm: (817) 782-7082

Unit POC: C

Subj: REQUEST FOR ACTIVE DUTY WITH THE ACTIVE RESERVE (AR) PROGRAM (CAREER FORCE TOUR)

3. I am applying for the following specific billet:

MOS	Grade	Location	T/O	Line
6336	E-4	Fort Worth, TX	8820A	3705

I have normal color vision. I am a U.S. citizen.

- 4. I will accept any assignment to active duty with the AR program based on the needs of the Marine Corps.
- 5. If selected, I will be available on: 19 Feb 01





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

IN REPLY REFER TO:

1001 RAM-2 7 Dec 00

From:

Commandant of the Marine Corps

9200 North Normandale Apt 404, Ft Worth, TX 76116

Subj:

ACCEPTANCE OF ACTIVE DUTY ASSIGNMENT IN THE ACTIVE RESERVE (AR) PROGRAM

Ref:

(a) MCO 1001.52H

(b) MCO P1040R.35B

1. It is a pleasure to inform you of your selection for a 36-month tour of active duty with the AR program to fill the following position:

QUALITY ASSURANCE (6336) FORT WORTH TX 8820A 3705

- 2. Conditions of service and options for continuation in the AR program are outlined in reference (a). You may be assigned to a different billet at a different location during your tour based upon the needs of the Marine Corps.
- 3. If obligated contractual service is required to cover the period of this assignment, cite this letter as the authority to extend or reenlist in the Marine Corps Reserve in accordance with the guidelines provided in reference (b). Orders will be issued when a copy of the enlistment contract or extension which covers the 36-month tour is received at this Headquarters (RAM-2).
- 4. You are advised that promotion to the next higher grade under an active duty, Selected Marine Corps Reserve, or Individual Ready Reserve allocation prior to accession to the AR program may disqualify you from this assignment.
- 5. If you do not possess a Military Occupational Specialty (MOS) that corresponds with the position listed in paragraph 1 above, you are advised that upon assignment to active duty this Headquarters will provide funding and assignment to the appropriate MOS producing school. Assignment to available school seats may be on very short notice. Per reference (a), failure to attend or complete the requisite MOS training as directed by this Headquarters may lead to termination of your active duty assignment.
- 6. Sign the attached memorandum and return both pages of this letter within 30 days of the date of this letter as notification of your acceptance. Failure to do so will result in this assignment being cancelled. You are advised that, once given, your consent to perform this duty may not be withdrawn and constitutes a binding contract.
- 7. Contact this Headquarters (RAM-2) ASAP, at Toll free (877) 415-9275, Option #2, or coml (703) 784-9109/9120/9121, or DSN 278-9109/9120/9121 to coordinate your assignment to active duty. Collect calls are authorized.



Endosure (2)

MEMORANDUM ENDORSEMENT

From 299 70 9238/6336 USMC To: Commandant of the Marine Corps (RAM-2)

Subj: ACCEPTANCE OF ACTIVE DUTY ASSIGNMENT IN THE ACTIVE RESERVE (AR) PROGRAM

1. I hereby accept the conditions of assignment outlined above to fulfill a 36-month tour of active duty with the AR program to fill the following position:

QUALITY ASSURANCE (6336)
FORT WORTH TX
8820A 3705

12 JAN 01

(Dace)			
DESIRED REPORT DATE TO NEW COMMAND:	23 O	2 Ol NTH / YEAR	
CLEARLY PRINT THE BELOW INFORMATION T	O EXPEDITE THE ORD	ER WRITING PR	OCESS
In case of emergency, who should be c you)	ontacted? (Someon	e other than	traveling with
	MOTHER		
Name	Relationship	 I	
Address	City	State	Zip Code
Phone Number		ż	
AUTHORIZED DEPENDENT'S INFORMATION		(YY/MM/DD)	
Spouse's Full Name	Date of Birth		
Children's Full Name	Date of Birth	Gender (M/F	·)
Children's Full Name	${\text{Date of Birth}}$	Gender	
Children's Full Name	Date of Birth	Gender	

*** NOTE ***

ENSURE YOUR EXPIRATION OF OBLIGATED SERVICE EXCEEDS THREE YEARS FROM THE DATE YOU ENTERED ABOVE (REPORT DATE TO NEW COMMAND). IF IT DOESN'T, SEE PARAGRAPH 5 OF THIS LETTER AND SEEK ADMINISTRATIVE HELP EITHER WITH ADMIN OR UNIT CAREER PLANNER IN ORDER TO EXTEND OR REENLIST (ORDERS <u>WILL NOT</u> BE ISSUED UNTIL THIS REQUIREMENT IS MET). ALSO..... IF REPORT DATE TO NEW COMMAND IS WITHIN THE NEXT 30 DAYS, FAX THIS LETTER IMMEDIATELY TO (703) 784-9808. IF AN EXTENSION OR REENLISTMENT WAS NECESSARY, PLEASE INCLUDE WITH FAX OF THIS LETTER IN ORDER TO EXPEDITE ORDERS.

Enclosure (2)

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RAAUZYUW RUEACMC 0171526-UUUU--RUEASUU. ZNR UUUUU R 171526 JAN 01 ZYB FM CMC WASHINGTON DC//RAM-2// TO CG MCRSC KANSAS CITY MO//IRR// INFO CG MCB QUANTICO VA//MMSB-20// COMMARFORRES//G-1P// CG MCRSC KANSAS CITY MO//HO-5A// MAG FOUR ONE//ADMIN// UNCLAS //N01326// MSGID/GENADMIN/CMC (RAM-2)//

SUBJ/ASSIGNMENT TO ACTIVE DUTY WITH THE MARINE CORPS ACTIVE RESERVE (AR) PROGRAM ICO CORPORAL JR JR JR USMCR// REF/A/DOC/CONGRESS/TITLE 10 U.S.C.//

REF/B/DOC/CMC WASHINGTON DC/961217//

REF/C/DOC/SECNAV/951011//

NARR/REF A IS TITLE 10 U.S. CODE, PARA 10211, 12301, AND 12310. B IS MCO 1001.52H, AR ORDER. REF C IS MANUAL OF MEDICINE, CHAPTER 15.

THIS MESSAGE CONSTITUTES ORIGINAL ORDERS. RMKS/1.

- 2. ON 23 FEBRUARY 2001, AND AS PROVIDED BY REFERENCES (A) AND (B), YOU ARE ASSIGNED TO ACTIVE DUTY FOR A PERIOD OF 36 MONTHS.
- YOU ARE BEING ORDERED TO ACTIVE DUTY FROM YOUR CURRENT ADDRESS WHICH IS LISTED AS FT WORTH, TX.
- YOUR COMPONENT CODE IS B4.
- YOU ARE DIRECTED TO REPORT TO THE NEAREST MEDICAL FACILITY FOR A PHYSICAL EXAMINATION. THE MEDICAL OFFICER CONDUCTING THE PHYSICAL EXAMINATION IS REQUESTED TO DETERMINE YOUR PHYSICAL FITNESS PER REFERENCE (C).
- Α. IF YOU ARE FOUND PHYSICALLY QUALIFIED, YOUR ORDERS WILL BE SO ENDORSED.
- IF YOU ARE FOUND NOT PHYSICALLY QUALIFIED, YOUR ORDERS WILL BE ENDORSED AND YOU WILL BE DIRECTED TO RETURN TO YOUR HOME. AND ALLOWANCES WILL ACCRUE FOR THE PERIOD REQUIRED TO CONDUCT THE PHYSICAL EXAMINATION AND TRAVEL TIME TO AND FROM PHYSICAL EXAMINATION ONLY.
- IF FOUND PHYSICALLY QUALIFIED OR IF A CONDITIONAL WAIVER HAS BEEN GRANTED, YOU WILL REPORT BY 2359 ON 26 FEBRUARY 2001 TO THE COMMANDING OFFICER, MAG-41, 4TH MAW, FMF, BLDG 1068, NAS FORT WORTH JRB, FORT WORTH, TX (G16) FOR DUTY. YOU ARE COUNTED ON T/O 8820A, LINE# 3705 (QUALITY ASSURANCE) IN THE AR PROGRAM. PER MCO P1001R.1H (MCRAMM), IF THE BILLET YOU ARE COUNTED AGAINST DOES NOT MATCH ANY MILITARY OCCUPATIONAL SPECIALTY (MOS) YOU POSSESS, YOUR COMMANDING OFFICER WILL ASSIGN YOU THE BASIC PRIMARY MOS WITHIN THAT SPECIFIC OCCUPATIONAL FIELD. IF MOS RETRAINING IS NECESSARY CONTACT SERGEANT HOMAN AT COMM (703) 784-0527 OR DSN 278-0527 FOR ASSIGNMENT TO MOS PRODUCING SCHOOL.
- TRAVEL BY PRIVATELY OWNED VEHICLE IS AUTHORIZED BASED ON 350 MILES PER DAY. PROCEED TIME IS NOT AUTHORIZED. ANY ADDITIONAL

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DELAY IN REPORTING WILL BE CHARGED AS ANNUAL LEAVE. PERFORMED PRIOR TO 23 FEBRUARY 2001 IS NOT AUTHORIZED.

- YOUR EXPIRATION OF ACTIVE SERVICE (EAS) DATE IS 22 FEBRUARY 2004. THE COMMANDING OFFICER HAVING CUSTODY OF YOUR SERVICE RECORDS WILL ENSURE THAT THIS AND ALL OTHER REQUIRED DATA IS ENTERED INTO THE MARINE CORPS TOTAL FORCE SYSTEM (MCTFS) IN ACCORDANCE WITH MCO P1080.40 .
- YOU HAVE GIVEN THE PERSON TO BE NOTIFIED IN CASE OF EMERGENCY AS: (MOTHER), 515 MIDDLE ROAD, CONNEAUT, OH 44030, TELEPHONE (440) 593-2922. YOU HAVE NO FAMILY MEMBERS AUTHORIZED TRAVEL IN CONNECTION WITH THESE ORDERS.
- IF YOU ARE UNABLE TO REPORT BY THE DATE INDICATED IN PARAGRAPH 6 ABOVE, YOU MUST CONTACT YOUR NEW COMMAND, COMMERCIAL (817) 739-5450. OUR RECORDS SHOW YOUR PEBD AS 19930706 AND A SATISFACTORY

SECURITY CLEARANCE WAS COMPLETED ON AN UNKNOWN DATE.

- ENACTMENT OF DOD ACT PL 94-212 ON 9 FEBRUARY 1976, LIMITS CASH SETTLEMENTS FOR UNUSED LEAVE TO A MAXIMUM OF 60 DAYS FOR A CAREER, INCLUDING SETTLEMENTS MADE BY OTHER SERVICES. SETTLEMENTS PRIOR TO 10 FEBRUARY 1976 ARE EXCLUDED.
- BY ACCEPTANCE OF THESE ORDERS, YOU ACKNOWLEDGE YOU HAVE READ, UNDERSTAND, AND AGREE TO THE POLICIES AND PROCEDURES RELATING TO ACTIVE DUTY SERVICE IN SUPPORT OF THE RESERVE COMPONENT ACCORDING TO REFERENCE (B).
- BEFORE MAKING ANY RENTAL OR LEASE AGREEMENT, OR PURCHASING A HOME, YOU WILL REPORT TO THE HOUSING REFERRAL OFFICE AT THE INSTALLATION TO WHICH YOU ARE ASSIGNED.
- IN ACCORDANCE WITH MCO P10120.28 , MARINES SELECTED FOR TRANSFER TO INDEPENDENT DUTY OR SELECT 4TH MAW UNITS, REQUIRE ISSUANCE OF A MEDIUM BLUE UNIFORM ALLOWANCE PRIOR TO TRANSFER. MARINES JOINING THE AR PROGRAM FROM THE IRR ARE TO RECEIVE THEIR UNIFORM ALLOWANCE UPON REPORTING TO THEIR PRIMARY DUTY STATION AS INDICATED IN PARAGRAPH 6 ABOVE.
- FAILURE TO SUBMIT THESE ORDERS TO A DISBURSING OFFICER WITHIN 10 DAYS AFTER COMPLETION OF TRAVEL FOR SETTLEMENT TRAVEL EXPENSES, WILL RESULT IN A CHECKAGE OF YOUR PAY ACCOUNT. ADDITIONALLY, ELAPSED TIME WILL BE CHARGED AS LEAVE IF YOUR TRAVEL CLAIM HAS NOT BEEN SUBMITTED TO THE DISBURSING OFFICER WITHIN 30 DAYS AFTER COMPLETION OF TRAVEL UNDER THESE ORDERS.
- APPROPRIATION DATA TO BE USED FOR FISCAL YEAR 01 ARE AS FOLLOWS: PANDL: 1711108.2732 011 41632 0 000027 2I 000000 259000071600

1711108.2732 022 41632 0 000027 2D 000000 M4D900074604 HHG: TVL:

1711108.2732 021 41632 0 000027 2D 000000 259000074800

ENL TVL, 74801 MALT, 74802 PER DIEM, 74603 DEPNS TVL,

BT NNNN

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