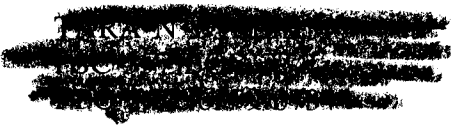




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:lc
Docket No: 3167-02
24 September 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 24 September 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 1000, MMEA, 9 September 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:
1000
MMEA
9 Sep 2002

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

Subj: BCNR DOCKET 3167-02; REQUEST FOR FULL SEPARATION PAY CASE OF
[REDACTED]

1. We have carefully reviewed Sergeant [REDACTED] request to be granted full separation pay. Sergeant [REDACTED] was denied reenlistment on 18 December 2001 for failure to meet reenlistment prerequisites, specifically Marine Corps height/weight/body fat standards. She was granted half separation pay in accordance with the Enlisted Career Planning and Retention Manual, MCO P1040.31, Appendix C. The Marine was originally placed on a weight control program for the period from 10 December 1992 to 20 April 1993. She miscarried her first child in June 1992. Sergeant [REDACTED] lost her second child in April 1993 from a tubal pregnancy that required surgery to her lower abdomen. She successfully delivered a child by cesarean section in January 1994, and gave birth to a second child in September 1996. In July 2000, she underwent emergency surgery for a ruptured fallopian tube resulting from another tubal pregnancy. Her left fallopian tube had to be removed. The Marine was assigned to weight control a second time from 22 December 2000 until 19 January 2001. When she submitted for reenlistment consideration in November 2001, she was 23 pounds overweight and two percent above the maximum body fat percentage for female Marines. Therefore, she was denied reenlistment. Sergeant [REDACTED] surgery for the ruptured fallopian tube occurred 17 months before her last reenlistment request. This was ample time for any Marine to recover from surgery and conform to Marine Corps height/weight/body fat standards. Sergeant [REDACTED] was taken off weight control in January 2001, but was overweight again at the time she submitted her reenlistment request 11 months later with no further pregnancy or medical issues. This headquarters stands by the original determination of half separation pay.

2. Point of contact is Capt [REDACTED] at DSN 278-9240.
[REDACTED]

Assistant, Branch Head
Enlisted Assignments