



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

MEH:mh
Docket No: 8031-01
16 July 2002

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your deceased spouse's 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 16 July 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 spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1760 MMSR-6J of 2 April 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:
1760
MMSR-6J
2 Apr 02

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

Subj: BCNR APPLICATION IN THE CASE OF THE [REDACTED]
[REDACTED]

Ref: (a) MMER Route Sheet of 19Mar02, Docket No. 8031-01

1. The reference requests an advisory opinion on [REDACTED] petition to correct her husband's record to show that he was a retired Marine, enrolled in the Survivor Benefit Plan (SBP) with spouse coverage when he died on 12 September 1994.
2. [REDACTED] service record shows that he served in the Marine Corps from 25 September 1956 through 22 December 1964 when he was discharged as a sergeant, pay grade E-5. He was not retired from the Marine Corps and never attained the rank of Chief Warrant Officer W-4. The DD Form 214 enclosed with [REDACTED] petition showing a release from active duty in 1983 contains many errors, inappropriate entries and inconsistencies. This paper is obviously not a valid document.
3. During his Marine Corps service [REDACTED] was married, first to [REDACTED] on 19 December 1958, and later to [REDACTED] on 18 May 1961.
4. The petitioner, [REDACTED], states that she and former [REDACTED] were married on 6 January 1983. The invalid DD Form 214 she enclosed implies that he was released from active duty (the word "retired" is not used) as a "CWO-4" on 11 March 1983. Chief Warrant Officer W-4 [REDACTED] retirement from the Marine Corps cannot be verified at this Headquarters.
5. We must, therefore, recommend that [REDACTED] petition not be granted favorable consideration.

[REDACTED]
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps