



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

TRG
Docket No: 8700-01
17 July 2002

[REDACTED]

[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 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 naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, 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.

The Board believes that you are eligible for Montgomery G. I. Bill (MGIB) benefits since you were transferred to the Temporary Disability Retired List. However, the eligibility determination is a matter under the cognizance of the Department of Veterans Affairs (DVA). Therefore, if you have been denied MGIB benefits, you should appeal that determination under procedures established by the DVA.

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
21 Feb 02

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

Subj: BCNR APPLICATION IN THE CASE OF SERGEANT [REDACTED]
[REDACTED] USMC (TEMPORARY RETIRED)

Ref: (a) MMER Route Sheet of 7Feb02, Docket No. 8700-01

1. The reference requests an advisory opinion on Sergeant [REDACTED] request to correct his records to show a Separation Program Designator (SPD) Code other than the code assigned when he was transferred to the Temporary Disability Retired List (TDRL) on 16 February 2000.

2. Sergeant [REDACTED] was correctly assigned SPD Code SFK1 (Mandatory transfer to the TDRL due to temporary disability) when placed on the Temporary Disability Retired List. He was not discharged, as he states in his petition, but temporarily retired.

3. Sergeant [REDACTED] assigned SPD Code is correct in accordance with Marine Corps Order P1900.16F, the Marine Corps Separation and Retirement Manual, Appendix A. Therefore, no correction of his record is warranted. Point of contact is Captain [REDACTED] [REDACTED] MMSR-4, 784-9308.

[REDACTED]
by direction