



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

LCC:ddj  
Docket No: 825-03  
15 April 2003

[REDACTED]

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 15 April 2003. 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 1070 CMT of 21 March 2003, 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:

1070  
CMT  
21 Mar 03

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

Subj: RESERVE AFFAIRS ADVISORY OPINION ON BCNR APPLICATION;  
CASE OF [REDACTED]

Ref: (a) [REDACTED] DD Form 149 dtd 12 JAN 03 with  
Supporting Documentation

1. This office has reviewed the material provided in reference (a) to determine whether or not [REDACTED] should have his time in service and time in grade reinstated. We have reviewed the supporting documentation and these are the findings: [REDACTED] obtained a full discharge in June of 1997. However, the letter from the FBI academy is not dated until February of 1999. The questionnaire clearly states: "resign or be eligible to transfer to standby reserve status."

2. Based on the stated findings we see no need to reinstate [REDACTED] time in service/grade. Time in grade and service is not changed until you have been out in excess of 3 years. Had [REDACTED] stayed in the reserves at least until he went to the FBI academy, he would not have lost all of his time in grade and part of his time in service.

3. Our point of contact is Master Sergeant [REDACTED] at (703) 784-0519.

[REDACTED]  
By direction