



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

JLP:ecb
Docket No: 4649-03
15 October 2003

[REDACTED]

Dear FORMER PRIVATE [REDACTED]

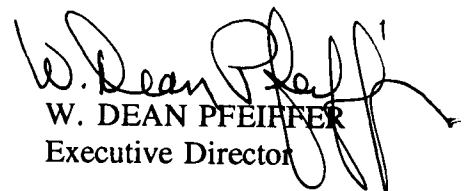
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 October 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 HQUSMC memorandum 1040 MRV dated 11 September 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:

1040
MRV

SEP 11 2003

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

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

1. [REDACTED] stated that he felt he was not properly informed on his educational benefits and that it was a clear case of none disclosure on the part of the government. He further stated that had he known about the 180 days of enlistment to be eligible he would have stayed in the Marine Corps. [REDACTED] is asking that he be given all benefits due to him had he stayed in.

2. After researching [REDACTED] record, it has been discovered that he was separated on an Unfitness Enlistment due to not informing his Recruiter of the information that caused the fraudulent enlistment. A servicemember must serve 180 days of active duty to be eligible for educational benefits. [REDACTED] only served 1 month and 24 days in the Marine Corps.

3. Based on the information that has been provided, this office recommends that no change be made to [REDACTED] record.

4. My point of contact for MGIB is GySgt [REDACTED] and can be reached at DSN 278-9550 or Commercial (703) 784-9550.

[REDACTED]
By direction