



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

TRG
Docket No: 5293-08
14 October 2008

[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.

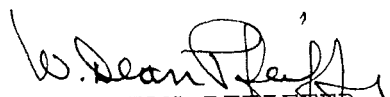
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 September 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 an 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.

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, VA 22134-5103

IN REPLY REFER TO:
1800
MMSR-5
5 Aug 08

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

Subj: BCNR ADVISORY OPINION IN THE CASE OF [REDACTED]

Ref: (a) Chairman BCNR ltr TRG:jdh Docket No: 05293-08 of 16 July 2008

Encl: (1) Career Retirement Credit Record

1. The reference requests an advisory opinion on Lieutenant [REDACTED] petition to move points creditable towards retirement from a satisfactory year to his anniversary year for 20060730 - 20070729.
2. Per the enclosure, [REDACTED] has 19 satisfactory anniversary years that are creditable towards a reserve retirement.
3. If one point is moved from the anniversary year of 20050730 - 20060729 to the anniversary year of 20060730 - 20070729, [REDACTED] will have accrued 20 qualifying years towards retirement.
4. Should this move occur, [REDACTED] will still have one unsatisfactory anniversary year for the period of 20070730 - 20080729. As he will now be eligible for a reserve retirement, [REDACTED] is required to earn 50 points per anniversary year. Failure to achieve this minimum participation requirement will result in the transfer of this Marine to the Inactive Status List.
5. It is this Headquarter's opinion that [REDACTED]'s request to transfer points receives favorable consideration and that [REDACTED] should request reserve retirement awaiting pay at age 60.
6. Point of contact is Major [REDACTED] (703) 784-9306

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