



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 8354-08

19 December 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 16 December 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 PENFETHER
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
30 Oct 08

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

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

Ref: (a) Chairman BCNR ltr TRG:jdh Docket No: 08354-08 of
16 Oct 08

Encl: (1) Career Retirement Credit Record

1. The reference requests an advisory opinion on [REDACTED] petition to correct his record by moving credited points from the anniversary year beginning 8 June 2004 to those anniversary years which were unsatisfactory in order to increase his number of satisfactory anniversary years to 19 and allow him to retire in 2010.
2. Per the enclosure, [REDACTED] has 15 satisfactory anniversary years that are creditable towards a reserve retirement. [REDACTED] will not reach service limitations until accumulation of 22 satisfactory years of service or 30 years of accumulative service (16 April 2017). [REDACTED] should be able to earn a reserve retirement without moving points.
3. Based on the above, this Headquarters recommends [REDACTED] petition not receive favorable consideration.
4. Point of contact is Major Fenton at (703) 784-9306.

S. M. HANSCOM
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps