



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

SJN
Docket No: 02120-09
27 August 2009

[REDACTED]

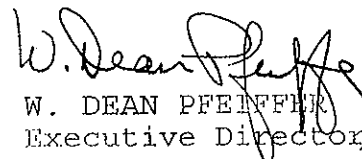
This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 August 2009. 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, dated 23 June 2009, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, 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
23 Jun 09

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

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

Ref: (a) Chairman BCNR ltr TRG:jdh Docket No: 02120-09 of
16 Mar 09

1. Per the reference, requests an advisory opinion on former [REDACTED] petition to adjust the point total on anniversary years ending 31 October 1996, 31 October 1997 and 31 October 1998. Adjustment of these years will aid former [REDACTED] in his retirement from the United States Naval Reserve.
2. Former [REDACTED] asserts points were adjusted in the anniversary years listed in paragraph (1) with no justification provided to him for the movement and cost him 2 satisfactory years towards a reserve retirement.
3. Leave and Earnings Statements (LES) were ordered and received from the Defense Finance and Accounting Service (DFAS) Cleveland. The documentation received was insufficient and did not allow for a proper accounting of former [REDACTED]'s service. This Headquarters is therefore unable to confirm or deny former Staff [REDACTED] assertion.
4. Based on the above, this Headquarters recommends former Staff [REDACTED] petition to move points not receive favorable consideration.
5. 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

JUL - 1 2009