



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

TRG
Docket No: 3425-09
7 May 2009

[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 6 May 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.

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.

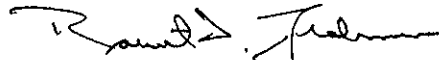
In your application you are contending, in effect, that as a major who has failed of selection you will not be able to reach 18 years of qualifying service and sanctuary status prior to being forced out of the Marine Corps Reserve upon completion of 20 years of commissioned service. You are requesting that retirement points be transferred into nonqualifying years so that you will be able to earn 18 qualifying years.

Your Career Retirement Credit Report shows that you now have 15 years of qualifying service and will have 16 years at the end of your anniversary year on 18 January 2010. Your mandatory separation date is indicated to be 1 December 2010. Headquarters Marine Corps (HQMC) has informed the Board that reserve officers with at least 16 years of qualifying service are considered by a continuation board to determine if they should be retained to complete eligibility for reserve retirement. HQMC states that a very high percentage of officers are selected for continuation.

Given the circumstances, your argument that you will be unable to qualify for retirement is not compelling at this time. If in 2010 you are not selected for continuation, that will be the time to submit an application to the Board. Accordingly, your application has been denied. The names and votes of the members

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,



ROBERT D. ZSALMAN
Acting Executive Director