



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

LCC
Docket No. 3620-09
6 Jul 09

Dear [REDACTED]

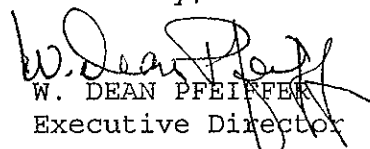
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 July 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 CMC memorandum 7200 MPO-40 of 28 May 2009, 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 also 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:

7200

MPO-40

28 May 2009

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

Subj: BCNR, Docket No. 3620-09, application ICO [REDACTED]
[REDACTED]

1. DODFMR, Vol 7A, chapter 1 states that in order to qualify for the special rate of basic pay for pay grades O-1E, O-2E, and O-3E a commissioned officer in pay grades O-1 through O-3 must have been credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as an enlisted member.

2. In the case of [REDACTED] his record reflects he has not served at least 4 years and 1 day of prior active service as an enlisted member. As such, SNO does not qualify for the special rate of basic pay for pay grades O-1E, O-2E, and O-3E.

3. The Marine Corps point of contact is Major Gulbrandsen, DSN: 278-9386, Comm: (703) 784-9386, Email: paul.gulbrandsen@usmc.mil.

A handwritten signature in cursive script, appearing to read "W. A. Tosick", is written over a horizontal line.

W. A. TOSICK
Colonel
U.S. Marine Corps
Branch Head
Manpower Military Policy