



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

BJG
Docket No: 285-99
4 June 1999

CW [REDACTED] USMCR RET
[REDACTED]
[REDACTED]

Dear Chief Warrant Officer [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 3 June 1999. 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 two advisory opinions from Headquarters Marine Corps (HQMC), dated 24 March and 20 April 1999, copies of which are 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 opinions in finding that your failures by the Fiscal Year 1998 and 1999 Reserve Chief Warrant Officer-4 Selection Boards should stand. Since the Board found insufficient basis to strike your failures of selection for promotion, they had no grounds to recommend granting you a special selection board, or setting aside your transfer to the Retired Reserve on 1 March 1999. In view of the above, 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

Enclosures



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

28599

IN REPLY REFER TO:
1000
RAP-21
24 MAR 1998

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF CWO [REDACTED]
[REDACTED] USMCR

Ref: (a) MCO P1001R.1H Marine Corps Reserve Administrative Management Manual (MCRAMM)

1. We have reviewed the subject application and do not support military record modification as a result of material error in Reserve status.

2. Pursuant to notification of second failure of selection to the next higher grade, Chief Warrant Officer [REDACTED] filed for relief and modification of her military record based on claims of material error. Of the three claims presented in her application statement, this Division can provide comment on the first: "My name was placed on the Inactive Ready Reserve (IRR) List rather than the Inactive Status List (ISL) as it should have been."

3. No compelling evidence has been submitted that would substantiate a claim of material error in status as a member of the Individual Ready Reserve (IRR) or the Standby Reserve. We recommend that Chief Warrant Officer [REDACTED] first assertion of material error be considered without merit and dismissed for the following reasons:

a. At the time of her change in status, the current edition of the MCRAMM, MCO P1001R.1G, dated 1 May 1992 was in effect and specified the differences in categorization and the means by which a Marine could be placed in the IRR or on the ISL. Placement is either voluntary, at the request or with the consent of the individual, or involuntary, as directed by Commander, Marine Forces Reserve or Commanding General, Marine Corps Reserve Support Command (MCRSC). By admission in her statement, Chief Warrant Officer [REDACTED] voluntarily requested to be placed in the IRR.

b. Her narrative further states that "the Marine Corps should have transferred [her] to the ISL when [she] did not manage to earn a minimum of 27 retirement points each year." The participatory requirements were promulgated in the earlier

edition of reference (a) and are also provided in the most recent iteration. Further, the Marine Corps offered Chief Warrant Officer [REDACTED] the option to transfer to the ISL as a standard procedural step during FY93 and FY94 through letters of notification which are a normal process of the annual Marine Corps Reserve Officer Mobilization Potential Screening Board.

4. As a result of a protracted period of non-participation, Chief Warrant Officer [REDACTED] was first screened for mobilization potential by the FY93 Board and advised of her failure to earn the requisite retirement points. Chief Warrant Officer [REDACTED] communicated with the Board, maintaining her status, and was retained. In FY94, she was again notified of retirement point deficiencies by the Board. Her name was removed from the screening list after having earned sufficient points to satisfy the minimum requirement. Had she not joined an Individual Mobilization Augmentee Detachment in March 1996, Chief Warrant Officer [REDACTED] would have been screened again in August of that year.

5. Members of the IRR may contact MCRSC, toll-free, if any questions regarding Reserve status or participation arise. Additionally, published instructions on retirement point requirements are available from a myriad of sources. Ultimately, it is incumbent upon the individual officer to remain apprised of his or her Reserve status and monitor his or her personal career in the Marine Corps Reserve.

6. Reserve Affairs Division defers to the Personnel Management Support Branch (MMSB) of the Personnel Management Division for comment on the remaining claims.

7. Point of contact at this Division is Major [REDACTED] at (702) [REDACTED]

[REDACTED]
Deputy, Reserve Affairs Personnel
Plans and Policy Branch,
Reserve Affairs Division
By direction



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
PERSONNEL MANAGEMENT SUPPORT BRANCH (MMSB)
2008 ELLIOT ROAD
QUANTICO, VA 22134-5030

285-99

A N REPLY REFER TO:

1070

MMSB-13

20 Apr 1999

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

Subj: ADVISORY OPINION; CASE OF CHIEF WARRANT OFFICER-3
[REDACTED] SMCR

1. If Chief Warrant Officer [REDACTED] believes she rates simultaneous reports by paragraph 2007.3 of MCO P1610.7D for her 2-3 month active duty periods, then she has the responsibility to pursue her reporting official for the periods in question in order to have them submitted.

The Official Military Personnel File (OMPF), maintained by this Headquarters, and Master Brief Sheet are provided to the promotion board for consideration. All documents, both active and reserve duty that are appropriate for filing are maintained on the OMPF and are submitted to the board for consideration. We have no way of determining what documents Chief Warrant Officer [REDACTED] is contending that were not provided to the promotion board for consideration.

[REDACTED]
Head

Records Correspondence Section
Personnel Management Support Branch
By direction of the
Commandant of the Marine Corps