



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

TRG
Docket No: 182-02
6 September 2002

[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 4 September 2002. 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 (HQMC), 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.

You are requesting reconsideration of your case and have provided a career retirement credit report (CRCR) that shows that you have over 18 years of active duty. Therefore, you contend that you were eligible for sanctuary under the provisions of Title 10 U.S.C. 12686, and should not have been involuntarily released from active duty on 31 December 1999 but continued on active duty until you were eligible for retirement.

Because of the conflicting CRCR's, your case was referred to HQMC for resolution of this issue. HQMC has now computed your active service at 17 years, 10 months and 8 days, vice the 17 years, 10 months and 6 days previously reported which was used in the Board's denial of your case. However, the Board also notes that the itemized list of changes in the computation shows a reduction of 10 days. Whichever length of service is correct, it is clear that no computation of service for retirement purposes prepared by HQMC, shows that you had 18 years of active service at the time of your release from active duty. Therefore, the Board substantially concurred with the comments contained in the denial

letter of 26 December 2001 and 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, VIRGINIA 22134-5103

IN REPLY REFER TO:
1760
MMSR-6/5
16 May 02

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

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) MMR Route Sheet of 18Mar02, Docket No. 0182-02

Encl: (1) Career Retirement Credit Report of 5May02

1. The reference requests an advisory opinion on Lieutenant Colonel [REDACTED] petition to correct his record to show additional qualifying service in the Marine Corps Reserve.

2. After an extensive review of Lieutenant Colonel [REDACTED]'s service record, pertinent unit diary entries and the Career Retirement Credit Report (CRCR) that he enclosed with his petition, corrections have been made to his Marine Corps Reserve service. The enclosure reflects the following corrections.

<u>Anniversary Year</u>	<u>Corrected Active Duty Points</u>	<u>Vice</u>
1993 - 1994	156	157
1994 - 1995	202	205
1995 - 1996	218	216
1997 - 1998	308	305
1999 - 2000	278	289

3. We have, therefore, determined that on 31 December 1999, when Lieutenant Colonel Daniels was released from active duty, he had served 17 years, 10 months and 8 days of active service; vice the 17 years, 10 months and 2 days previously credited.

4. We therefore, regretfully, recommend that the Board's previous determination stand and that Lieutenant Colonel Daniels' petition not be granted favorable consideration.

5. Point of contact is [REDACTED] MMSR-5 (703) 784 9306.

[REDACTED]
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps

CAREER RETIREMENT CREDIT RECORD

05/15/2002
06:34:24

SSN: [REDACTED] NAME: [REDACTED]
 RUC: [REDACTED] COMPANY CODE: 0 PRES-GRADE: 05 RECSTAT: E COMP CODE:
 PLT CODE: SYSC TRNGRP: B R-RECSTAT: 0 RCOMP CODE: KF

ANNV: [REDACTED] PEBD: [REDACTED] DOB: [REDACTED] MAND: [REDACTED] CERTDATE: [REDACTED]

ANNIVERSARY YEAR INCLUSIVE DATES	PD	INACDU POINTS	NPD	COR	FHD	MBR- SHIP PNTS	TOTAL INACDU PNTS	INACDU PNTS CRED	ACDU POINTS PD	TOTAL PNTS CRED	SAT YEAR
20020312-00000000	009	000	000	000	000	02	0011	11	000 000	011	NO
20010312-20020311	015	000	000	000	000	15	0030	30	012 000	042	NO
20000312-20010311	088	000	000	000	000	15	0103	90	012 000	102	YES
19990312-20000311	000	000	000	000	000	15	0015	15	278 000	293	YES
19980312-19990311	000	000	000	000	000	15	0015	15	365 000	365	YES
19970312-19980311	016	000	000	000	000	15	0031	31	308 000	339	YES
19960312-19970311	014	000	000	000	000	15	0029	29	316 000	345	YES
19950312-19960311	046	000	000	000	000	15	0061	60	218 000	278	YES
19940312-19950311	092	013	000	000	000	15	0120	60	202 000	262	YES
19930312-19940311	000	000	000	000	000	09	0009	09	156 000	165	YES
19920312-19930311	000	000	000	000	000	00	0000	00	365 000	365	YES
19910312-19920311	000	000	000	000	000	00	0000	00	366 000	366	YES
19900312-19910311	000	000	000	000	000	00	0000	00	365 000	365	YES
19890312-19900311	000	000	000	000	000	10	0010	10	365 000	365	YES
19880312-19890311	000	000	000	000	000	15	0015	15	365 000	365	YES
19870312-19880311	000	000	000	000	000	15	0015	15	366 000	366	YES
19860312-19870311	000	000	000	000	000	15	0015	15	365 000	365	YES
19850312-19860311	000	000	000	000	000	15	0015	15	365 000	365	YES
19840312-19850311	000	000	000	000	000	15	0015	15	365 000	365	YES
19830312-19840311	000	000	000	000	000	15	0015	15	366 000	366	YES
19820312-19830311	000	000	000	000	000	15	0015	15	365 000	365	YES
19810312-19820311	000	000	000	000	000	15	0015	15	365 000	365	YES
19800312-19810311	000	000	000	000	000	15	0015	15	287 000	302	YES

-----COMPLETED-----

CAREER TOTALS

INACTIVE DUTY POINTS CORRES.....	0000	ACTIVE DUTY POINTS PAID.....	06537
INACTIVE DUTY POINTS PAID.....	0280	ACTIVE DUTY POINTS NON-PAID.....	00000
INACTIVE DUTY POINTS NON-PAID....	0013	TOTAL ACTIVE DUTY POINTS.....	06537
FUNERAL HONORS DUTY POINTS.....	0000	TOTAL POINTS CREDIT.....	06887
MEMBERSHIP POINTS.....	276	TOTAL SATISFACTORY YEARS.....	21
TOTAL INACTIVE DUTY POINTS.....	0569	TOTAL QUALIFYING SERVICE.....	21-00000
INACTIVE DUTY POINTS CREDIT.....	0495		