



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

LCC:ddj
Docket No: 1464-99
8 September 1999

[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 8 September 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 advisory opinion furnished by CMC memorandum 1050 MPO-40 of 23 August 1999, 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 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:

1050
MPO-40

AUG 23 1999

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

Subj: BCNR APPLICATION IN THE CASE OF CORPORAL
[REDACTED]

Ref: (a) MMR Route sheet of 23 Jul 99, docket No. 1464-99
(b) DODFMR, Volume 7A, Chap 26

Encl: [REDACTED]

1. Reference (a) requested an opinion on the BCNR application for [REDACTED]
2. Per reference (b), paragraph 260402, when two members are married to each other they may elect which member will receive BAQ on behalf of dependent children. However, both members are not entitled to BAQ at the with-dependents rate concurrently. A review of enclosures (1) and (2) indicates both members received the proper payment of BAQ entitlement in accordance with reference (b). LESs from both members reflect the following payments:

Cpl Hamilton

WO/DEPNS 970301-970618
W/DEPNS 970619-980509

PO3 HAMILTON

W/DEPNS 970301-970618
WO/DEPNS 970619-980509

As indicated by LES for the period 1-31 Aug 97, Cpl Hamilton received backpay for BAQ in the amount of \$911.52.

3. POC is MGySgt W. Hosea, MPO-40 at DSN 278-9386, or commercial (703) 784-9386.

Edward G. Sherrill

EDWARD G. SHERRILL
By direction