



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

LCC:ddj  
Docket No: 991-02  
19 November 2002



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 19 November 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 CMC memorandum 1420 RAP 22 of 5 November 2002, 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:  
1420  
RAP-22

NOV 05 2002

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

Subj: ADVISORY OPINION IN THE CASE OF C [REDACTED]

Ref: (a) MCO 1001.52J (Active Reserve (AR) Support to the  
Reserve Component (RC))  
(b) MCO P1400.32C (MARCORPROMMAN, VOL 2, ENLPROM)  
(c) MARADMIN 590/00  
(d) MARADMIN 146/01

Encl: (1) Corporal Newsome's Request for Active Duty with the  
Active Reserve (AR) Program (without enclosures)  
(2) CMC (RAM-2) ltr 1001/RAM-2 dtd 7 Dec 00 w/endorsement  
(3) CMC (RAM-2) msg 171526 Jan 01

1. Corporal [REDACTED] application with supporting documents has  
been reviewed concerning his request for promotion to Sergeant.

2. Reference (a) prescribes policies and procedures pertaining  
to the selection, assignment, retention, and administration of  
the Active Reserve (AR) program. The following paragraphs from  
this reference apply to this case.

a. Paragraph 4.b states that applications to the program  
will be submitted per published Marine Corps Bulletins and this  
order.

b. Paragraph 4.c.(3) states that promotions to and within  
the NCO ranks for AR Marines are conducted quarterly (Jan, Apr,  
Jul, and Oct) per reference (b).

c. Paragraph 8.d states that assignments for personnel  
accepting their initial contract will normally be accomplished  
within 90 days of selection.

3. Per reference (a), Corporal [REDACTED] submitted a request for  
active duty with the AR program on 14 November 2000. (Enclosure  
(1)) Corporal [REDACTED] indicated that he would be available for  
assignment on 19 February 2001.

4. Reference (c) announced results of the FY01-3 AR Enlisted Accession Board. Corporal Newsome was on the list of those selected. Paragraph 2 stated that members selected for accession would be notified by separate correspondence concerning billet assignment and assignment dates.

a. CMC (RAM-2) sent enclosure (2) to Corporal [REDACTED] on 7 December 2001. Corporal [REDACTED] was instructed to endorse the letter and return it within 30 days of receipt.

b. Corporal [REDACTED] endorsed this letter on 12 January 2001. As part of this endorsement he provided a desired report date to his new command of 23 February 2001.

c. As a result of this endorsement and Corporal [REDACTED] request for a report date of 23 February 2001, CMC (RAM-2) published a set of orders on 17 January 2001 for Corporal Newsome ordering him to active duty effective 23 February 2001. (Enclosure (3))

5. The following comments/opinions concerning this case are provided:

a. References (a) and (c) make no provisions for a minimum time frame for assignment to the AR program. Reference (a) only states that initial accessions will normally be accomplished within 90 days. The Active Reserve Program assigns new accessions to positions based on the needs of the Program. Assignment dates are also based on the needs of the Program. While there is no requirement for immediate assignment to the AR Program, RAM-2 makes every attempt to make assignments based on the individual Marine's request.

b. RAM-2 requires a minimum ten-day period from the date of release from active duty to the date of assignment to the AR program. This period of time allows enough time for ensuring a Marine's electronic record is ready for him/her to be accessed to the AR program. Experience has shown that attempts to access Marines onto the AR Program before ten days have elapsed leads to pay problems upon accession to the AR Program.

c. Corporal [REDACTED] understood that he would not be accessed on active duty in the AR program before 19 February 2001 when he submitted his request on 14 November 2000. He extended this initial date to 23 February 2001 when he endorsed his acceptance letter on 12 January 2001.





**UNITED STATES MARINE CORPS**  
Marine Aerial Refueler Transport Squadron 234  
Marine Aircraft Group 41  
Fourth Marine Aircraft Wing  
Naval Air Station Fort Worth JRB, TX 76127

IN REPLY REFER TO  
1001  
AVI  
14 NOV 00

From: Corporal [REDACTED] USMC  
To: Commandant of the Marine Corps (RAM-2)  
Via: (1) Commanding Officer, Marine Aerial Refueler Transport Squadron 234, Marine Aircraft Group 41  
(2) Commanding Officer, Marine Aircraft Group 41  
Subj: **REQUEST FOR ACTIVE DUTY WITH THE ACTIVE RESERVE (AR) PROGRAM (CAREER FORCE TOUR)**

Ref: (A) MCO 1001.52H

- Encl: (1) Current Photograph  
(2) Certified True Copy of SRB pages 3, 9, 11 and 12  
(3) Financial Statement  
(4) Independent Duty Screening Checklist  
(5) MCTFS TBTR Screen Printout  
(6) MCTFS TROS Screen Printout

1. Per the reference, I request consideration for assignment in the AR Program.
2. My current personal data is as follows:

I am currently affiliated with the ACDU USMC.  
Height: 75 inches  
Weight: 170 lbs  
Marital Status: Single  
Number of Dependents: 0  
Forecasted Date of Terminal Leave: 19 Jan 01  
Address After EAS: [REDACTED]  
Home Phone After EAS: [REDACTED]  
Current DOR: 01 Apr 00  
Current Home Mailing Address: [REDACTED]  
Current Home Phone: [REDACTED]  
Current Work Phone: [REDACTED]  
Current FAX Number: (817) [REDACTED]  
Unit Phone: DSN: 739-7082 Comm: (817) 782-7082  
Unit POC: [REDACTED]

Enclosure (1)

Subj: REQUEST FOR ACTIVE DUTY WITH THE ACTIVE RESERVE (AR)  
PROGRAM (CAREER FORCE TOUR)

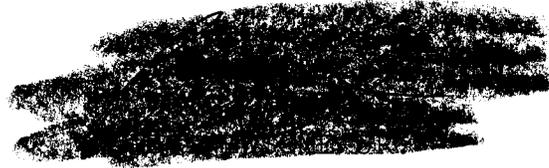
3. I am applying for the following specific billet:

<u>MOS</u>	<u>Grade</u>	<u>Location</u>	<u>T/O</u>	<u>Line</u>
6336	E-4	Fort Worth, TX	8820A	3705

I have normal color vision. I am a U.S. citizen.

4. I will accept any assignment to active duty with the AR program based on the needs of the Marine Corps.

5. If selected, I will be available on: 19 Feb 01





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

IN REPLY REFER TO:

1001  
RAM-2  
7 Dec 00

From: Commandant of the Marine Corps

To: [REDACTED]  
9200 North Normandale Apt 404, Ft Worth, TX 76116

Subj: ACCEPTANCE OF ACTIVE DUTY ASSIGNMENT IN THE ACTIVE RESERVE (AR) PROGRAM

Ref: (a) MCO 1001.52H  
(b) MCO P1040R.35B

1. It is a pleasure to inform you of your selection for a 36-month tour of active duty with the AR program to fill the following position:

QUALITY ASSURANCE (6336)  
FORT WORTH TX  
8820A 3705

2. Conditions of service and options for continuation in the AR program are outlined in reference (a). You may be assigned to a different billet at a different location during your tour based upon the needs of the Marine Corps.

3. If obligated contractual service is required to cover the period of this assignment, cite this letter as the authority to extend or reenlist in the **Marine Corps Reserve** in accordance with the guidelines provided in reference (b). Orders will be issued when a copy of the enlistment contract or extension which covers the 36-month tour is received at this Headquarters (RAM-2).

4. You are advised that promotion to the next higher grade under an active duty, Selected Marine Corps Reserve, or Individual Ready Reserve allocation **prior** to accession to the AR program may disqualify you from this assignment.

5. If you do not possess a Military Occupational Specialty (MOS) that corresponds with the position listed in paragraph 1 above, you are advised that upon assignment to active duty this Headquarters will provide funding and assignment to the appropriate MOS producing school. Assignment to available school seats may be on very short notice. Per reference (a), failure to attend or complete the requisite MOS training as directed by this Headquarters may lead to termination of your active duty assignment.

6. Sign the attached memorandum and return **both pages** of this letter within 30 days of the date of this letter as notification of your acceptance. Failure to do so will result in this assignment being cancelled. **You are advised that, once given, your consent to perform this duty may not be withdrawn and constitutes a binding contract.**

7. Contact this Headquarters (RAM-2) ASAP, at Toll free (877) 415-9275, Option #2, or coml (703) 784-9109/9120/9121, or DSN 278-9109/9120/9121 to coordinate your assignment to active duty. Collect calls are authorized.



Enclosure (2)

MEMORANDUM ENDORSEMENT

From: [REDACTED] 299 70 9238/6336 USMC  
To: Commandant of the Marine Corps (RAM-2)

Subj: ACCEPTANCE OF ACTIVE DUTY ASSIGNMENT IN THE ACTIVE RESERVE (AR) PROGRAM

1. I hereby accept the conditions of assignment outlined above to fulfill a 36-month tour of active duty with the AR program to fill the following position:

QUALITY ASSURANCE (6336)  
FORT WORTH TX  
8820A 3705

  
(Signature)

12 JAN 01  
(Date)

DESIRED REPORT DATE TO NEW COMMAND: 23 02 01  
DAY / MONTH / YEAR

-----  
CLEARLY PRINT THE BELOW INFORMATION TO EXPEDITE THE ORDER WRITING PROCESS

In case of emergency, who should be contacted? (Someone other than traveling with you)

[REDACTED] MOTHER  
Name Relationship  
[REDACTED]  
Address City State Zip Code  
[REDACTED]  
Phone Number

AUTHORIZED DEPENDENT'S INFORMATION

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (YY/MM/DD)  
Spouse's Full Name Date of Birth  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ \_\_\_\_\_  
Children's Full Name Date of Birth Gender (M/F)  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ \_\_\_\_\_  
Children's Full Name Date of Birth Gender  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ \_\_\_\_\_  
Children's Full Name Date of Birth Gender

\*\*\* NOTE \*\*\*  
ENSURE YOUR EXPIRATION OF OBLIGATED SERVICE EXCEEDS THREE YEARS FROM THE DATE YOU ENTERED ABOVE (REPORT DATE TO NEW COMMAND). IF IT DOESN'T, SEE PARAGRAPH 5 OF THIS LETTER AND SEEK ADMINISTRATIVE HELP EITHER WITH ADMIN OR UNIT CAREER PLANNER IN ORDER TO EXTEND OR REENLIST (ORDERS WILL NOT BE ISSUED UNTIL THIS REQUIREMENT IS MET). ALSO..... IF REPORT DATE TO NEW COMMAND IS WITHIN THE NEXT 30 DAYS, FAX THIS LETTER IMMEDIATELY TO (703) 784-9808. IF AN EXTENSION OR REENLISTMENT WAS NECESSARY, PLEASE INCLUDE WITH FAX OF THIS LETTER IN ORDER TO EXPEDITE ORDERS.

Enclosure (2)



