



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6756-98

12 May 1999

MSGT [REDACTED] USMCR

Dear Master Sergeant [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 11 May 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 opinions furnished by Headquarters Marine Corps dated 23 October 1998, 2 March 1999 and 18 March 1999, copies of which are enclosed, and your rebuttal dated 22 November 1998.

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. 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:

1040
RAM-5
18 Mar 99

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

Subj: BCNR APPLICATION IN THE CASE OF MASTER SERGEANT [REDACTED]
[REDACTED] USMCR; SUBJ: INCREASE RETIREMENT
PAY TO CURRENT GRADE

Ref: (a) MMER Route Sheet of 18 Feb 99, Docket No. 6756-98

1. In response to reference (a), the following comments are provided.
2. SECNAV INST. 1820.2 identifies the current Reserve Enlisted Retirement Policy which states that Marines in the grade of Gunnery Sergeant or above, must serve two years in their current pay grade prior to transfer to retirement status. MCO 1900.16 outlines an additional prerequisite for inactive duty personnel, requiring them to earn a minimum of 50 retirement points to satisfy each year of the service-in-grade requirement. Master Sergeant [REDACTED] did not attain the required 50 qualifying points in current grade during the last two years of his reserve service prior to his transfer to retirement status. It is our advisory opinion therefore, that his petition for extension of his contract for the purpose of increasing his retirement pay to the grade of E-8 be disapproved.
3. The point of contact concerning this matter is Master Sergeant [REDACTED] at coml (703) 784-9127 or DSN 278-9127.

[REDACTED]
By direction



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

IN REPLY REFER TO:

1786
MMSR-6J
2 Mar 99

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

Subj: BCNR APPLICATION IN THE CASE OF GUNNERY SERGEANT [REDACTED]
[REDACTED] USMCR (RET.)

Ref: (a) MMR Route Sheet of 18Feb99, Docket No. 6756-98

1. Reference (a) requests an advisory opinion on Gunnery Sergeant [REDACTED] petition with regard to his retirement rank.
2. As stated in our advisory opinion of 28 October 1998, Gunnery Sergeant [REDACTED] did not serve the required qualifying time in grade as a master sergeant. We, therefore, must regretfully recommend that his petition not be granted favorable consideration.
3. We defer further opinion to the Reserve Affairs Manpower, Retention Section (RAM-5) regarding Gunnery Sergeant [REDACTED] latest request to reenlist in the Marine Corps Reserve. His qualifications and eligibility for reenlistment are under the cognizance of Code RAM-5.

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



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

IN REPLY REFER TO:

1780

MMSR-6J

23 Oct 98

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

Subj: BCNR APPLICATION IN THE CASE OF GUNNERY SERGEANT [REDACTED]
[REDACTED] USMCR (RET.)

Ref: (a) MMR Route Sheet of 16Oct98, Docket No. 6756-98

1. Reference (a) requests an advisory opinion on Gunnery Sergeant [REDACTED] petition with regard to his retirement rank.
2. While serving in the rank of master sergeant in the Individual Ready Reserve (IRR), Gunnery Sergeant [REDACTED] requested transfer to the Retired Reserve without pay in March 1996. He was transferred to that status on 1 January 1997 in the rank of gunnery sergeant. Gunnery Sergeant [REDACTED] did not have the required two qualifying years in the grade of master sergeant to be retired at that rank and pay grade.
2. No request for cancellation was received at this Headquarters subsequent to (then Master Sergeant) [REDACTED] request for retirement. He was transferred as he requested. Further, his status in the IRR prior to retirement did not prevent him from earning the necessary qualifying years in the grade of master sergeant. For example, Gunnery Sergeant [REDACTED] could have performed Active Duty Special Work (ADSW) coordinated through the Marine Corps Reserve Support Command (MCRSC), or completed Marine Corps Institute courses to earn points for a qualifying year.
3. Unfortunately, Gunnery Sergeant [REDACTED] did not serve the required qualifying time in grade as a master sergeant. We, therefore, must regrettfully recommend that his petition not be granted favorable consideration.

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