



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

BJG
Docket No: 1414-01
21 June 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: EX-GYSC [REDACTED], USMCR [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 13 Feb 01 w/attachment
(2) HQMC MMSR-6J memo dtd 30 May 01 w/encl
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by showing that he was not discharged from the Marine Corps Reserve on 12 October 2000, but was transferred to the Reserve Retired List on 1 October 2000.
2. The Board, consisting of Messrs. Pfeiffer and Silberman and Ms. Madison, reviewed Petitioner's allegations of error and injustice on 20 June 2001, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. In correspondence attached as enclosure (2), the Headquarters Marine Corps office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that his request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by showing that he was not discharged from the Marine Corps Reserve on 12 October 2000, but was transferred to the Reserve Retired List on 1 October 2000.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

Jonathan S. Ruskin
JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

Robert D. Zsalmann
For W. DEAN PFEIFFER
Executive Director



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

IN REPLY REFER TO:
1760
MMSR-6J
30 May 01

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

Subj: BCNR APPLICATION IN THE CASE OF FORMER GUNNERY SERGEANT
[REDACTED]

Ref: (a) MMR Route Sheet of 1May01, Docket No. 1414-01

Encl: (1) MMSR-5 Comment 1800 MMSR-5 of 23May01

1. The reference requests an advisory opinion on [REDACTED]'
petition to correct his records to show that he was not
discharged from the Marine Corps Reserve on 12 October 2000.

2. [REDACTED] was discharged at the expiration of an enlistment
on 12 October 2000. [REDACTED] was eligible for transfer to the
Reserve Retired List at that time, but may have been unaware that
such a transfer must be requested by prior to the discharge date.
As stated in the enclosure, an administrative error may have
occurred in [REDACTED] case.

3. We, therefore, recommend that M [REDACTED]' petition be granted
favorable consideration and that his record be corrected to show
that he was not discharged from the Marine Corps Reserve and to
further show that he was transferred to the Reserve Retired List
on 1 October 2000 to begin receive retired pay and benefits on
his sixtieth birthday, 18 January 2017.

[REDACTED]

JAMES RAINBOW
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps

1800
MMSR-5
23 May 01

MMSR-5 Comment on MMER Route Sheet of 1 May 2001

Subj: REQUEST FOR BCNR ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED], FORMER GUNNERY SERGEANT USMCR

Ref: (a) BCNR Memo of 26 Apr 2001
(b) MCO P1900.16E, par 1005

1. We support [REDACTED] request for retirement in reference (a). [REDACTED] service record documents that he was eligible to transfer to the Reserve Retired List Awaiting Pay at Age 60 at the time of his separation. He record indicates he was discharged on 12 October 2000 due to expiration of contract authorized under the provisions of reference (b)

2. Although, there is no indication in [REDACTED] service record that he requested retirement, it may have been due to a misunderstanding that such a request was necessary to become retired or an administrative oversight or error may have occurred.

3. We recommend that his record be corrected to show that he transferred to the Reserve Retired List Awaiting Pay at Age 60 on 1 October 2000, the last day such a transfer could have been effected before his contract expired.

[REDACTED]
[REDACTED] S
By direction