

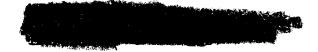
DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1483-01 5 December 2001



Dear

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 27 November 2001. 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, 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.

The record shows that during the 20 year period from 17 July 1952 until your honorable discharge on 27 July 1973 you served on active duty for about 14 years and 6 months. In addition, during the period from 20 December 1958 to 28 January 1965 you were a member of the Marine Corps Reserve and earned about four years and six months of qualifying service for reserve retirement.

In your application, you are requesting that the record be corrected to show that you transferred to the Fleet Marine Corps Reserve. However, you are not eligible for such transfer because you did not complete 20 years of active service. Actually, you have less than 15 years of active service. Therefore, the Board substantially concurred with the comments contained in the advisory opinion.

The Board also considered whether your record could or should be corrected to show that you are eligible for reserve retirement and retired pay at age 60. In order to be eligible for reserve retirement, an individual must have 20 years of qualifying service and the last eight years must be in the reserve component. A qualifying year is one in which an individual earns at least 50 retirement points.

As indicated in the enclosed Reserve Retirement Master Control Card (RRMCC), you have been credited with only 19 years and 13 days of qualifying service. In addition, the last eight years of service are in the Regular Marine Corps and not the Marine Corps Reserve as required. Therefore, you are not eligible for reserve retirement because you do not have 20 qualifying years with the last eight years in the reserve component. Since there are two reasons why you are not eligible, the Board declined to make corrections to your record to make you eligible for reserve retirement. If you have evidence showing that the RRMCC is in error and you actually have 20 qualifying years, you should send that evidence to the Board for evaluation and possible reconsideration of your case.

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

Enclosures



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

1760 MMSR-6J 21 Sep 01

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

Subj: BCNR APPLICATION IN THE CASE OF FORMER

Ref:

(a) MMER Route Sheet of 5Sep01, Docket No. 1483-01

(b) MMSR-6J Memorandum 1760 of 17Aug01

Encl: (1) Statement of Service

1. Reference (a) requests additional information pertaining to reference (b) regarding former petition to correct his records to show that he was transferred to the Fleet Marine Corps Reserve (FMCR) and not discharged.

2. The enclosure is forwarded as requested. Paragraph (2) of reference (b) is hereby corrected as follows: Former was discharged on that date after serving 14 years, 7 months and 11 days of combined active service in the Marine Corps and the U.S. Army. Although he had served 21 years and 11 days combined total service, his 14 years and 7 months of years active service does not qualify former Staff Sergeant Wilder for transfer to the FMCR as he requests.

3. Former S was honorably discharged under proper authority. Unfortunately, we must recommend that his petition not be granted favorable consideration.

J. P. RATHBUN, JR.
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps

Designator: Date of Report: 09/21/01

Statement of Service

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Name:

SSN:

Grade:

33

TAC Code 0 1 0 1st Elig Date 07/28/73 Trans Date 07/27/73 Service Entry Last Disc 07/17/52 07/27/73 USN/USNR Service SVC 30 Years Sevre. Pay Hero TE Application CIT

DOB / / N 07/15/82 14 7 11 N Ν C

COMMISSION CONTROL DATE

PAY ENTRY BASE DATE

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_581220	590626	2	0	0	0	0	8	0	8	342	05-11-12	
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610627	620626	1	0	36	0	0	15	0		15	06-11-12	
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670129	680128	1	365	0	0	0	0	365	0	365	12-06-14	
680129	690128	1	366	0	0	0	0	366	0	365	13-06-14	
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700129	710128	1	365	0	0	0	0	365	0	365	15-06-14	
710129	720128	1	365	0	0	0	0	365	0	365	16-06-14	
720129	730128	1	366	0	0	0		365	0	365	17-06-14	
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INACTIVE RESERVE SECTION,

OCCASION CODES: 1 - End of annice BARAGELON AND RETIREMENT2BEANGLE from active reserve status.

RESERVE RETIREMENT MASTER CONTROL CARD (1820) NAVMC HQ 509 (REV. 3-85) (EF)

Designed Using FormFlow 2.15, HQMC/ARAE, May 98

^{* =} Reserve Retirement Credit Report is not on file. Current unit must submit a copy to MMSR-5.