



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

TRG
Docket No: 3395-01
29 June 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer in the United States Marine Corps Reserve filed enclosure (1) with this Board requesting that his record be corrected to show the transfer of retirement points from one anniversary year to another.

2. The Board, consisting of Mr. Mazza, Mr. Harrison and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 26 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. Petitioner's application was filed in a timely manner.

c. Petitioner entered the Marine Corps on 15 October 1982 and reported to active duty on 15 April 1983. He was honorably discharged from the Marine Corps on 1 September 1992 at the completion of 9 years, 4 months and 17 days of active service. Therefore, the career retirement credit report (CRCR) shows that at the end of his anniversary year on 14 October 1992 he was credited with 10 years of qualifying service for reserve retirement. During the period from 15 October 1992 to 14 October 1997 he earned five consecutive qualifying years for reserve retirement and was promoted to MAJ (O-4). During the next anniversary year he only earned 42 retirement points and the year is not qualifying for retirement. He has earned no further qualifying years.

d. Petitioner states in his application that his employer required him to leave the United States, and he thought that he had sufficient points to make the anniversary year ending 14 October 1998 qualifying for reserve retirement. He requests that eight retirement points be moved from the anniversary year ending 14 October 1997 to the anniversary year ending 14 October 1998. With this change, he will have 16 qualifying years and can be considered for continuation to qualify for reserve retirement.

e. Attached to enclosure (1) is an E-mail from the Assistant Head, Inactive Reserve Section, Separation and Retirement Branch. The E-mail states as follows:

... You will need to correct your CRCR to show that you have 16 qualifying years and you will need to be selected for continuation in order to reach 20 years of qualifying service as you will need to be retained beyond your mandatory separation date of 1 June 2003 to become retirement eligible.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes his outstanding record and his desire to serve and qualify for reserve retirement. The Board also notes that he apparently could have earned an additional eight points if he had realized that he had needed them. Given the circumstances, the Board concludes that eight retirement points should be transferred from the anniversary year ending 14 October 1987 to the anniversary year ending 14 October 1998. This correction only gives him an opportunity to qualify for reserve retirement, but certainly does not guarantee he will qualify, because he will have to earn the additional qualifying years and be selected for continuation.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the circumstances of the case.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by transferring eight retirement points from the anniversary year ending 14 October 1987 to the anniversary year ending 14 October 1988.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. 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



ALAN E. GOLDSMITH
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.



FOR W. DEAN PFEIFFER
Executive Director