



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

TRG  
Docket No: 4078-01  
15 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 former enlisted member of the United States Marine Corps Reserve filed an application with this Board requesting that his record be corrected to show that he transferred to the Retired Reserve vice being discharged on 31 March 2000.

2. The Board, consisting of Ms. McCormick, Ms. Wiley and Mr. Leeman, reviewed Petitioner's allegations of error and injustice on 12 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 was promoted to MGYSGT (E-9) on 1 January 1997. The Career Retirement Credit Report (CRCR) shows that at the end of the anniversary year on 2 March 1997 he was credited with 21 years of qualifying service for reserve retirement. He reenlisted in the Marine Corps Reserve on 1 April 1997 for three years, however, the CRCR shows that he earned no further qualifying years. He was honorably discharged on 31 March 2000 at the expiration of his enlistment.

d. The Board did not request an advisory opinion in this case. However, the Board is aware that Headquarters Marine Corps has routinely recommended corrective action in similar cases when an individual is eligible for reserve retirement and there is no

explanation in the record why an individual was discharged and not retired.

e. The Board is aware that an individual must earn two qualifying years after being promoted to retired in that grade. As indicated, the CRCR shows that Petitioner has not earned any qualifying years after he was promoted.

e. The Board is also aware that the Uniform Retirement Date Act, 5 U.S.C. 8301 requires that the effective date of any retirement be the first day of the month.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner was in good standing in the Marine Corps Reserve and would have been retired if he had requested it. The Board concludes that Petitioner's record should be corrected to show that he transferred to the Retired Reserve. Given the requirements of the Uniform Retirement Date Act, he should be retired effective 1 April 2000 vice being discharged on 31 March 2000.

Concerning the issue of Petitioner's grade on retirement, the Board notes that he has not met the requirement of two qualifying years after being promoted. Therefore, the Board concludes that he should be transferred to the Retired Reserve in the grade of MSGT (E-8). If he has evidence that he actually earned two qualifying years, then Headquarters Marine Corps can correct the CRCR and retire him as a MGYSGT. If he can't establish additional qualifying years and believes that an error or injustice has occurred he can submit an application to the Board on the issue of his grade on retirement.

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

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he transferred to the Retired Reserve on 1 April 2000 in the grade of MSGT vice being discharged on 31 March 2000.

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

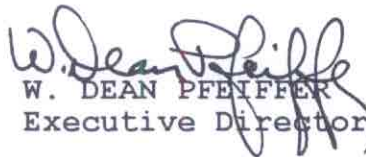
complete record of the Board's proceedings in the above entitled matter.

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.



W. DEAN PFEIFFER  
Executive Director