



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

TRG  
Docket No: 5230-01  
28 November 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 Marine Corps Reserve filed an application with this Board requesting that his record be corrected to show four additional qualifying years for reserve retirement.

2. The Board, consisting of Mr. Chapman, Mr. McPartlin and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 20 November 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. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps Reserve on 13 May 1977 and subsequently earned two qualifying years. For the four anniversary years from 13 May 1979 to 12 May 1983, he has been credited with either 15 or 16 points for active duty training (ADT) and 15 membership points. Since he does not have the required 50 points, none of those years are qualifying for reserve retirement.

d. Petitioner's record shows that he was promoted to SGT

(E-5) on 1 June 1980, and fitness reports after that date are not adverse and show that he attended at least some drills. Petitioner was honorably discharged on 12 May 1983.

e. Attached to enclosure (1) is an advisory opinion from Headquarters Marine Corps (HQMC) which recommends that the Board correct the record by directing the crediting of the minimum number of retirement points necessary to make each of the years from 13 May 1979 to 12 May 1983 qualifying for reserve retirement. All though not stated in the advisory opinion, HQMC appears to believe that Petitioner must have been attending drills because he was promoted to SGT and was not processed for an administrative discharge.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Since Petitioner was promoted, received good fitness reports and an honorable discharge, it appears that he probably attended drills during the four years at issue which have not been credited. Therefore, the Board agrees with the recommendation contained in the advisory opinion. Accordingly, Petitioner should be credited with either 19 or 20 nonpay retirement points, as needed to raise the total to 50 in each of the four anniversary years beginning on 13 May 1979 and ending on 12 May 1983. Nonpay drills are appropriate because he would have been paid for any drills he performed at the time.

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 reason for the change in his retirement point record.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by crediting him with sufficient nonpay drills in the four anniversary years beginning on 13 May 1979 and ending on 12 May 1983 to make those years qualifying for reserve retirement.

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

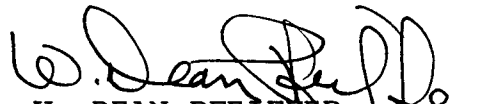
complete record of the Board's proceedings in the above entitled matter.

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