



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

TRG  
Docket No: 4417-00  
23 February 2001

[REDACTED]

Dear [REDACTED]

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 21 February 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 letter to you from Headquarters Marine Corps, dated 14 November 1996, 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.

In order to qualify for reserve retirement at age 60, you were required to complete 20 years of qualifying service, the last eight years of which had to be in the reserve component. A qualifying year is one in which an individual earns 50 retirement points.

The enclosed statement of service shows that prior to 1 July 1949, you completed 4 years and 10 days of qualifying service for reserve retirement. During 1950 you reported to active duty and remained on active duty until 29 May 1963. At that time, you were credited with 16 years and 11 months of service for retirement.

You enlisted in the Marine Corps reserve on 20 October 1966 and served until you were honorably discharged on 19 October 1970. During this four year period, you did not earn any qualifying years. On 6 February 1971 you reenlisted in the Marine Corps Reserve for six years. In the anniversary year ending 5 February 1972, you earned 55 retirement points and a qualifying year. You earned no further qualifying years and were honorably discharged on 6 February 1977 at the expiration of your enlistment.

Therefore, you have been credited with 17 years and 11 months of qualifying service for reserve retirement.

The Board carefully reviewed your record and the statement of service. The statement of service appears to accurately reflect your years of qualifying service for reserve retirement. Therefore, the Board substantially concurred with the comments contained in the Marine Corps letter of 14 November 1996.

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  
2 NAVY ANNEX  
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:  
1821  
MMSR-5  
14 Nov 96

[REDACTED]

Dear [REDACTED]

This is in response to your letter of 27 August 1996, concerning your eligibility for Reserve Retired Pay.

As you requested, we have again reviewed your service record to determine if you are eligible for retirement pay from the United States Marine Corps Reserve (USMCR). The audit shows that although you have 26 total years of service, only 17 years and 11 months are qualifying for retirement purposes.

Title 10, United States Code, sections 12731 and 12732, require that in order to rate Reserve Retired Pay, a member must earn a minimum of 20 qualifying years, with the last 8 qualifying years performed while a member of a Reserve component. A qualifying year is defined as a 365/366 day period in which a member earns a minimum of 50 points.

We have reviewed all the documentation you provided with your letter. The documentation does show that you enlisted in the USMCR on 6 February 1971 for a period of six years. Unfortunately, you only remained in a Selected Marine Corps Reserve (SMCR) unit for one year before transferring to the Individual Ready Reserve (IRR) for the remainder of your contract. Neither your Service Record Book nor the documentation provided contain evidence of additional qualifying service. Therefore, you have only earned one qualifying year of service towards the required eight. The enclosure is a copy of your Master Control Card (MCC), which provides a breakdown of your total service while a member of the Marine Corps.

Regrettably, we cannot approve your request for retired pay. Please call me at (703) 614-3100, if you have any additional questions that this letter has not answered. Also, we apologize for taking so long to reply to your August 1996 letter, however, we were delayed somewhat in our response by the time required to obtain your original service records.

[REDACTED]

Major, U.S. Marine Corps Reserve  
Head, Inactive Reserve Section  
Separations and Retirement Branch  
By direction of the  
Commandant of the Marine Corps