



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

TRG
Docket No: 6620-01
8 February 2002

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) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps Reserve filed enclosure (1) with this Board requesting that his record be corrected to show that he earned drills points in four anniversary years.

2. The Board, consisting of Mr. Brezna, Mr. Pfeiffer and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 5 February 2002 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 for six years on 8 June 1964. The first two anniversary years, which ended on 7 June 1966, are qualifying for reserve retirement. In the next three anniversary years he has been credited with 15 points from annual training and 15 membership points for a total of 30 points in each year. In the fourth anniversary year, he has only been credited with 15 membership points. He was honorably discharged on 7 June 1970 at the expiration of his enlistment. Subsequently, Petitioner became a member of the

National Guard and has accumulated more than 20 years of qualifying service for reserve retirement.

d. Petitioner claims that he actually performed drills during the four years at issue and desires those points because it will increase his retired pay. His record is incomplete and the unit diaries have been included. These diary entries do not show that he attended drills, but do show that he was retained in the unit, performed annual training, and was promoted to CPL (E-4). Headquarters Marine Corps has declined to credit drill points because there is no documentation, but has advised him to petition this Board. In several similar cases, the Board has taken favorable action that resulted in points being credited.

e. A review of the record reveals that during his service, Petitioner performed active duty for training in each anniversary year from 8 June 1966 through 7 June 1969, and was promoted to LCPL (E-3) during this period. In the last anniversary year, there is a diary entry, dated 16 July 1969, stating that his annual training was being terminated due to medical reasons. However, on 1 September 1969 he was promoted to CPL.

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 performed annual training and was promoted during the period at issue. In addition, the diary pages show other routine entries which suggest that he was in good standing, and there are no entries suggesting otherwise. Therefore, the Board believes that he probably attended drills during the period 8 June 1966 through 7 June 1970.

Although the Board concedes that Petitioner attended drills, there is no documentation showing the actual number. Therefore, the Board concludes that he should only be credited with the minimum number of nonpay points to make the years at issue qualifying for retirement. Nonpay points are appropriate because he would have already been paid for any drills performed during the period at issue. Accordingly, Petitioner's record should be corrected to show that he was credited with 20 nonpay retirement points in the anniversary years ending 7 June 1967, 1968 and 1969. In addition, he should be credited with 35 nonpay retirement points in the anniversary year ending 7 June 1970.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by crediting him with 20 nonpay retirement points in each of the three anniversary

years beginning on 8 June 1966 and ending on 7 June 1969. In addition he should be credited with 35 nonpay retirement points in the anniversary year ending 7 June 1970.

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

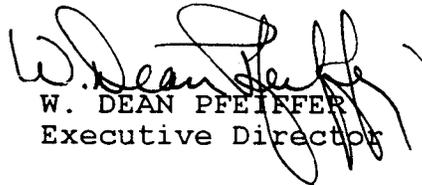
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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