



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

TRG

Docket No: 8041-03
29 October 2003

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, an enlisted member in the Marine Corps Reserve, filed an application with this Board requesting that his record be corrected to show that the anniversary year ending 20 April 1991 was qualifying for reserve retirement.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 28 October 2003 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 limitation and review the application on its merits.

c. Petitioner enlisted in the Marine Corps Reserve on 21 April 1983. During the next 20 anniversary years, he earned 19 years of qualifying service for reserve retirement. In the anniversary year that will end on 20 April 2004, he has already earned sufficient points to make that year qualifying for reserve retirement. Therefore, he will be eligible to transfer to the Retired Reserve after 20 April 2004.

d. In the anniversary year ending 20 April 1991, Petitioner

was only credited with 48 of the 50 retirement points needed for a qualifying year. As indicated this is the only year in his entire career which is not qualifying for reserve retirement. Petitioner states that on 6 April 1991 he was in a serious accident, which led to the loss of a kidney. Because of the accident, he missed the drill weekend in April and was not able to earn a qualifying year. He is requesting that two retirement points be transferred from the excess points in the preceding year into the anniversary year ending 20 April 1991.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Since Petitioner would have a continuous record of qualifying years for his entire career except for the serious accident in April 1991, the Board concludes that corrective action is warranted. Therefore, the record should be corrected by moving two retirement points from the anniversary year ending 20 April 1990 into the anniversary year ending 20 April 1991.

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 the record.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by moving two retirement points from the anniversary year ending 20 April 1990 into the anniversary year ending 20 April 1991.

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

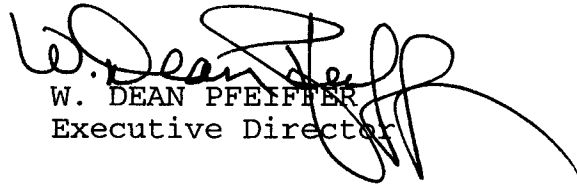
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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