



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

TRG
Docket No: 6705-06
27 September 2006

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 commissioned officer in the Marine Corps Reserve, filed an application with this Board requesting that three retirement points be transferred into the anniversary year ending on 10 October 2003.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 19 September 2006 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 entered the Marine Corps on 1 February 1991 and served on active duty for more than four years. When he was released from active duty, he was placed in the Individual Ready Reserve. After about three years of inactivity in the Marine Corps Reserve, Petitioner was transferred to the Inactive Status List (ISL) on 17 May 1999. He returned to an active status on 11 October 2000. Four of the next five anniversary years are qualifying for reserve retirement and he has already earned sufficient points for another qualifying years in the anniversary which will end on 10 October 2006. At that time, he will have 10 qualifying years.

d. Petitioner states that he was unaware that his

anniversary year had changed, and he earned retirement points and qualifying years based on an anniversary year that ended on 31 January. He discovered that because of his transfer to the ISL, his anniversary year should have been changed to begin on the date of his return to an active status, which was 11 October 2000. The subsequent correction and redistribution of retirement points resulted in the crediting of only 47 of the 50 retirement points necessary for a qualifying year in the anniversary year which now ends on 10 October 2003.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. It is clear that neither Petitioner nor his command were aware that his time on the ISL should result in a change in the beginning and ending dates of his anniversary years. Since he only missed a qualifying year by three retirement points, the Board concludes that a correction to his record is warranted. Therefore, three retirement points should be transferred from the excess over 50 in the anniversary year ending on 10 October 2002 to the anniversary year ending on 10 October 2003. With this correction, Petitioner will have 50 retirement points and a qualifying year for 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 the reasons for the change in the number of qualifying years.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected by transferring three retirement points from the anniversary year ending on 10 October 2002 into the anniversary year ending on 10 October 2003.
- 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