



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

Docket No: 7907-08  
29 December 2008

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 member of the Marine Corps Reserve, filed an application with this Board requesting that he be credited with one additional retirement point in the anniversary year ending on 6 August 2006.

2. The Board, consisting of Ms. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 December 2008 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. At the end of Petitioner's anniversary year on 6 August 2005 he was credited with 12 qualifying years. In the next anniversary year ending on 6 August 2006 he was credited with 49 of the 50 retirement points required for another qualifying year. Since then he has earned two additional qualifying years which raises his total to 14 qualifying years.

d. With his application Petitioner has submitted an unsigned Independent Duty Attendance Form for October 2006 which states in the remarks section that one retirement point should have been awarded on 1 July 2006 because of an administrative error. This form was forwarded to Petitioner by an e-mail from the senior noncommissioned officer in charge. He points out that Petitioner was present at the unit on 1 July 2006 to assist in

the preparation of a Navy Cross medal recommendation for another Marine. If the one additional point is credited he would then have 50 retirement points in the anniversary year ending on 6 August 2006 and another qualifying year.

e. Attached to enclosure (1) is an advisory opinion from Headquarters Marine Corps which states, in part, as follows:

... This Headquarters is not aware of any law or regulation that permits members to earn retirement points for earning, or being recommended for, awards.

... [Petitioner] has 14 satisfactory anniversary years creditable towards a reserve retirement. [He] should be able to earn a reserve retirement without adding retirement points

... Based on the above, this Headquarters recommends [Petitioner's] petition not receive favorable consideration...

#### 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 the submitted documentation from the unit shows that he was present on 1 July 2006 to provide assistance in the preparation of a Navy Cross medal recommendation, probably as clerical support, since it was not his award recommendation. Since he was present on 1 July 2006 and had duties to perform, the Board concludes that he should be credited with one additional non-pay retirement point in the anniversary year ending on 6 August 2006.

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.

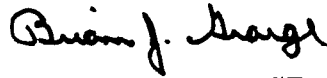
#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was credited with one additional non-pay retirement point in the anniversary year ending on 6 August 2006.

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.



BRIAN J. GEORGE  
Acting Recorder

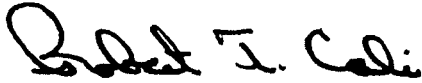
ROBERT D. ZSALMAN  
Recorder

5. The foregoing report of the Board is submitted for your review and action.



W. DEAN PFEIFFER

Reviewed and approved:



1-12-09

**Robert T. Call**  
Assistant General Counsel  
(Manpower and Reserve Affairs)