



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

BAN
Docket No. 02142-11
31 May 2011

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Headquarters Marine Corps (HQMC) memo 1040 MMEA of
2 May 11
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he was entitled to half separation pay at the time of separation from active duty service.

2. The Board, consisting of Messrs. Pfeiffer, Exnicios, and George reviewed Petitioner's allegations of error and injustice on 31 May 2011 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 was released from active duty on 27 January 2011, after serving 14 years, 1 month and 24 days of active duty service due to his failure to maintain Marine Corps height and weight standards.

c. Petitioner received a general discharge and was assigned a reenlistment code of RE-4. Under Marine Corps Order (MCO) 1040.31 he was eligible for half separation pay prior to his discharge from active duty service. However, a request for separation pay determination was never officially submitted to Headquarters Marine Corps.

d. In February 2011, Petitioner submitted an application with this Board seeking half separation pay.

e. In correspondence attached as enclosure (2), the office having cognizance over USMC separation pay has commented to the effect that the request for half separation pay has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner is entitled to half separation pay for his release from active duty on 27 January 2011, based on the years of active service actually completed.

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

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (c) it is certified that 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


WILLIAM J. HESS, III
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.

31 May 2011


W. DEAN PFEIFFER
Executive Director